S. HRG. 98-1033

WILDLIFE AND PARKS ACT OF 1984

HEARING

BEFORE THE

SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION

OF THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

AMENDMENT NUMBER 2807 TO S. 978 CITED AS THE WILDLIFE AND PARKS ACT OF 1984

JUNE 27, 1984

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WILDLIFE AND PARKS ACT OF 1984

WEDNESDAY, JUNE 27, 1984

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION,
Washington, DC.

The subcommittee met, at 9:03 a.m., in room SD–406, Dirksen Senate Office Building, Hon. John H. Chafee (chairman of the subcommittee) presiding.

Present: Senator Chafee.

OPENING STATEMENT OF HON. JOHN H. CHAFEE, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator CHAFEE. Good morning, I would like to welcome you all this morning to a hearing on amendment 2807, the Wildlife and Parks Act of 1984.

The legislation we are considering is designed to conserve and protect the fish and wildlife found in our national parks.

In establishing the National Parks Service in 1916, this is what Congress said was the purpose of the park system:

> It is to conserve the scenery and the natural and historic objects and the wildlife therein, to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

That clear mandate was given, and I am concerned that it is not being carried out, especially with respect to the conservation and protection of the fish and wildlife resources that reside within the units of our National Parks System.

Wildlife in our national parks may be threatened by federally funded projects or activities within as well as outside the park boundaries. What I am talking about here is federally funded projects that are damaging to our parks and to the wildlife in our parks. Resource development and human activity on Federal land threaten Yellowstone's grizzly; timber harvesting on Federal lands contiguous to Glacier National Park threatens to destroy habitat used by park wildlife; grazing on Federal lands in or next to parks could relegate park wildlife to a lower priority for water and forage than cattle.

What is deeply troubling is that these examples may only be the tip of the iceberg. Little information exists on the threats to native fish and wildlife populations emanating from inside and outside the boundaries of the various units of the National Park System. Perhaps the most comprehensive study to date is the state of the parks report prepared by the Department of the Interior in 1980.

According to that report, fish and wildlife resources were threatned in more than a third of the 334 units of the Park System.

In 1979, the National Parks and Conservation Association conducted a survey of park superintendents and found that the wildlife habitat was being altered in over 25 activities occurring outside park boundaries.

Under the National Environmental Policy Act, Federal agencies are supposed to consult with each other as to the environmental impacts of a proposed major Federal action. But NEPA and other laws do not provide for conflict resolution, in other words, how do you solve the problem. They only provide for consultations between the various agencies and the National Park Service.

The legislation we are considering today is designed to set up a conflict resolution mechanism to ensure protection to the park fish and wildlife resources. This legislation is built upon a concept which was embodied in the Coastal Barrier Resources Act which simply said that the Federal Government should not be underwriting the destruction of valuable fish and wildlife habitat on barrier beaches and islands with Federal tax dollars.

In other words, why use Federal tax dollars to destroy valuable fish and wildlife habitat?

That barrier beach legislation recognized the inherent conflict between Federal agencies when it came to fish and wildlife conservation on coastal barriers. That legislation successfully removed inconsistencies between Federal programs and established a clear policy. That policy was that Federal agencies shall not subsidize development through programs like highways, sewer construction grants, flood insurance, EDA loans on undeveloped coastal barriers that are important to fish and wildlife habitat. That legislation stated that if States or private individuals wanted to develop with their own funds with these barrier islands there wasn't much we could do about it, but the Federal Government wasn't going to be throwing away tax dollars to destroy fish and wildlife resources it was seeking to conserve.

Now, the coastal barrier legislation was strongly supported by then Secretary Watt. When President Reagan signed the bill into law he said:

> This Administration is committed to applying the imagination and common sense approach demonstrated by this legislation to the resolution of other important national environmental concerns. With enactment of this landmark legislation,the Nation takes a step forward on the road to restoring a sound physical environmental balance to the programs of the Federal Government.

Subsequently, the administration sent up legislation strongly supported by the Department of the Interior which applied the funding limitation mechanism to wetland areas. In other words, we applied the same philosophy of the Coastal Barriers Act to wetland areas. This committee didn't pursue that bill, which was labeled, the Protect Our Wetland and Duck Resources Act [POWDR] so-called because we found that wetland areas are difficult, if not impossible, to define.

Although the funding limitation mechanism in the Wildlife and Parks Act, the bill we are considering today, is very similar to that of POWDR, we believe it is better because species habitat areas can be clearly defined.

Now I have offered this amendment to the POWDR bill not to revive POWDR but to demonstrate how I think the funding prohibition approach may be improved upon.

Let me briefly highlight the key components of the amendment which we are considering today. First, new Federal expenditures or new financial assistance for projects as well as permits and leases would be generally prohibited within an established park system unit or a federally managed area that is contiguous or ecologically related to the units, the so-called wildlife habitat resource areas.

The expenditure of new funds could go forward, however, if the Secretary determines that such expenditure would not have a detrimental effect on the native fish and wildlife populations of the affected system unit.

I would like to emphasize that the Secretary has discretion to delineate the habitat area and to determine whether the proposed expenditure would be detrimental to the wildlife.

The funding prohibition is limited in its application. Only park units larger than 5,000 acres, and only native species of fish and wildlife that primarily reside in the park could be affected. Certain activities are exempt from the general prohibition, including scientific research and fish and wildlife restoration programs, emergency actions, and the maintenance of infrastructure or existing facilities.

Within 1 year of enactment of this legislation, the Secretary would be required to prepare a report advising the Congress as to the areas designated as wildlife habitat resource areas. He would also identify other areas on contiguous non-Federal lands that may be suitable for the funding prohibition and determine whether the application of this legislation would be suitable for units of the National Wildlife Refuge Systems as opposed to just being for the park systems.

The Department would also be required to prepare a biannual report which would identify detrimental effect to native fish and wildlife resources and planned actions to deal with such detrimental effects.

I wish to make it very clear this bill does not give the Secretary any new authority over Federal expenditures on private lands outside the boundaries of the system units of the national parks. So I want to put to rest fears that this is a great big grab of private land, it isn't.

To ensure that the funding prohibition would not reduce the value of an inholders land, the legislation includes a provision which States that the funding prohibition shall not be considered in establishing just compensation in the event of Federal acquisition of the land, namely, the inholders land, the land which is surrounded by Federal park land.

The purpose of this bill is to conserve park fish and wildlife resources. It is not intended to affect hunting practices on contiguous Federal lands, it is not intended to affect predator control programs or to alter the wildlife management authorities of State fish and game agencies.

Simply stated, this legislation says: Before we go off and spend a lot of Federal tax dollars that may damage wildlife resources, which incidentally could cost a lot of dollars to restore, let us

decide if this expenditure will have a detrimental impact on the native—mind you it is native—fish and wildlife populations in the park unit. If the answer is "yes," the project cannot go forward, and we have certainly saved Federal tax dollars and have given greater protection to the fabulous wildlife heritage found in our parks.

I believe that this legislation is a commonsense approach to conservation of park wildlife. I am hopeful that our witnesses this morning will be able to constructively weight its provisions. I am hopeful that the administration, which has supported this kind of approach in the coastal barrier legislation and in the POWDR bill, can also support this initiative.

In 1919, the first Park Service director, Steve Mather, wrote in his annual report to the Secretary of the Interior:

> No opportunity to improve the condition of the wildlife of the National Park System has been neglected by the Service during the past year, nor have we relaxed in any degree our vigilant protection of these reservations. All are refuges for wild animals, and some of them are among the finest preserves in the world. However, conditions over which we have not had control have affected our charges more or less adversely.

That problem still exists today as it did then.

Like Mr. Mather, I think we should not neglect this opportunity to improve the conditions of wildlife in the national parks, and we should help the Service carry out its charge by establishing a procedure to head off future conflicts and to keep park wildlife unimpaired for the enjoyment of future generations.

I know time is growing short in this legislative session, but I have always been a believer in not putting off until tomorrow what we can do today. So I think we have a real opportunity to make some headway this year, and I welcome working with all of the interested parties to see if we can make it happen.

So our first witness will be from the Federal Government, Mr. Potter, Deputy Assistant Secretary for Fish and Wildlife and Parks.

Mr. Potter, you are getting to be a regular here.

STATEMENT OF J. CRAIG POTTER, DEPUTY ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR

Mr. POTTER. Thank you, Mr. Chairman.

Senator CHAFEE. Why don't you proceed? You can read your statement.

Mr. POTTER. Thank you, Mr. Chairman. It is a pleasure to be here. I have a short statement and consequently, if it's all right with you, I'll just read it into the record.

Senator CHAFEE. Fine.

Mr. POTTER. I'm pleased to represent the administration and the Department of the Interior in the consideration of your amendment No. 2807 to S. 978.

Under Secretary Ann McLaughlin specifically asked me to express to you her regret at not being able to be here today. I know that you have had several recent conversations with her on this topic, and she continues to extend to you and your staff an invitation to participate with us as we confront problems associated with

management of our National Park System, several of which you have mentioned here this morning.

When we first heard about this legislation, Mr. Chairman, we were very interested in analyzing it fully in the hope that there were concepts that we could borrow from the successful Coastal Barrier Resources Act that would assist in protecting the resources of this great National Park System from adverse actions outside and within park boundaries and from conflicting Federal activities which could have a detrimental effect on those resources.

Once we began our analysis of the legislation, however, we discovered tremendous problems with this amendment. It seems very clear to us that the legislation is fundamentally different from the Coastal Barrier Resources Act in many ways. For example, while the Coastal Barrier Resources Act applies largely to private lands underwritten by the Federal Government this legislation would affect primarily Federal lands and activities, including activities that are statutorily mandated, and which the American people, over time and through their elected representatives, have decided should have priority.

This legislation would have extraordinary impacts on the operations of nearly every Federal land management agency, as we have learned through discussions with various agencies in the Department since we began consideration of your legislation.

We would respectfully suggest that at this point we should both go back to our drawing boards in order to understand those impacts better than we do. The Department will continue its efforts under current law to ensure the protection of our park resources, and I would add in that regard that we began last year with the issuance of a policy statement to the Director of the National Service Park, over the signature of the Assistant Secretary for Fish and Wildlife and Parks, regarding reporting and identifying resource problems, and we are following that mandate at this time.

Under Secretary McLaughlin has convened a Park Protection Working Group, as well, which, as I think you are aware, is seeking administrative solutions to the problems you describe. I am a member of that group, and I assure you that the Department will protect the resources of our National Park System under existing authorities. We understand that there is considerable interest in legislating additional protections, but the feeling at this time is that new legislation is not needed to accomplish this goal.

Attempts to legislate a single, overriding objective for all Federal lands, which are currently required by law to be managed for different, multiple objectives, is considered at this time to be unrealistic.

The language that we have before us today is drafted in such a way that it raises the cry of buffer zones from affected parties with legitimate interests in the vicinity of parks. I would add here that I think that applies not only to the administration and the executive branch but to Congress, as well, because most of those mandates come from congressional directives. You will undoubtedly discover, as we have, that every park must have a boundary. To promote uncertainty and conflict among the various State and Federal agencies is to create just the sort of problems we hope that we can erase. The piecemeal focus on wildlife and fish values, when your

own early research indicates that these values are not the ones primarily threatened in most of the park areas, concerns us greatly.

For these reasons, Mr. Chairman, we are compelled to express to you our opposition to this legislation. Our parks and their resources will be protected. Under the leadership of Secretary Clark and Under Secretary McLaughlin and Assistant Secretary Arnett, we are firmly committed to finding a truly workable solution to the problems of development and external pressures. As I mentioned earlier, this development is still analyzing the broad impacts of this amendment, reports are still coming in from our agencies within the Department, as well as outside of the Department, and we will be reporting to you further on this legislation. We hope to work closely with this committee.

We invite you to examine the results of our analysis when it is complete, and we assure you that the door is open to work with you in every way we can.

To the extent that I am able, therefore, I would be pleased to try to answer any questions that you may have.

Senator CHAFEE. Thank you, Mr. Potter.

Let me just say that this isn't anything new. People have been wrestling with this for many, many years, as you know.

Let me just give you some quotes, 66 years ago, the Secretary of the Interior, Franklin Lane, wrote in a letter:

> You should observe what effects delineation would have in the administration of adjacent forest lands, and wherever practical, you should engage in investigation of such park projects jointly with offices of the Forestry Service in order that questions of national Park and national forest policy as they affect the lands involved may be thoroughly understood.

Secretary of the Interior Udall talking about the problems of the parks 20 years ago said:

> The responsibility of the Park Service, however, cannot be achieved solely within the boundaries it administers.

And the Advisory Service on Wildlife had this to say about the problems within the parks:

> It would seem to us that the National Park Service might well take the lead in studying this problem and formulating cooperative management plans with other agencies, even though the management problem lies outside the park boundaries.

In 1969, Secretary Hickel wrote:

> I would like to see you, however, increase the emphasis on joint regional planning because in the long run, the total environment in which the park is located depends on vigorous coordinated action.

Talking about the National Park System as it involves other Federal land, "You should continue your studies to identify gaps in the System and recommend the areas that would fill them"; so on and on it goes. Quite frankly, we are dealing with some dug-in bureaucracies, and you know that as well as I do, Mr. Potter.

The BLM, for example, doesn't want anybody fooling with their lands, although it is my understanding that the BLM itself has set up some buffer zones. I find it a little confusing. You say the Coastal Barrier Resources Act, which your Department supports, is all right and I suspect that is so because there you are only dealing with private lands, but somehow, if you apply the same concept to

the Federal Government dealing with Federal lands, there is something wrong with it. That is a philosophy I find very, very odd.

What we are saying in the private lands is, we are not going to spend money for the development and the enhancement of private lands when it is doing harm to the objectives of the Federal Government. That is what POWDR is all about and likewise the Coastal Barriers Act, isn't that correct, Mr. Potter?

Mr. POTTER. Yes.

Senator CHAFEE. It does deal with private lands, doesn't it? We are not going to spend Federal money to enhance private lands with public roads, with sewage plants, with Federal flood insurance, and so forth when it is going to be damaging to the objectives of Federal lands.

Mr. POTTER. Well, that is correct. I think the difference, the crucial difference here between what you are attempting to do with this legislation and coastal barriers is not the concept itself, but where the concept is applied.

It seems to me there are two major problems. There are areas where this overriding mandate would apply, it appears; however there is some uncertainty because in some cases these areas would have to be extended outside of the units in order to protect fish and wildlife. In some cases, those areas would be undefined. Because of the lack of definition, the specter of conflict is magnified. The reason we have a problem with Federal land, or we may have a problem, is because we are not sure what the mandates are that we are dealing with.

I think that is a problem. I understand that you have tried to focus this on fish and wildlife, but we also have indications—and they are by no means complete in terms of information on threats to the parks that this may not be the most compelling threat. In certain other situations, we are dealing with refuges and other areas where we have nonpoint pollution type problems; external problems are not always measurable and definable. Part of the problem is that we don't know enough, we feel, about what those problems are to begin at this point to define these areas.

Just as a matter of reality, I think a year of study, systemwide, would be totally unrealistic.

Senator CHAFEE. Are you saying that there may be worse problems involved for the wildlife refuges due to nonpoint source pollution or something like that?

Mr. POTTER. No. I am saying that in some cases I think problems extend beyond park boundaries. But the problems, the most compelling threats, in what you have defined as contiguous ecologically defined Federal areas may, in some of those areas, not necessarily going to be fish and wildlife related. We have had conversations with your staff, and we understand what you are trying to do in terms of focusing on threats to fish and wildlife. What I'm saying is that the actual threats in many parks may not be related to threats to fish and wildlife, as such.

Senator CHAFEE. What might they be?

Mr. POTTER. Well, in some cases, the threats might be air quality or water quality-related. They vary from area to area and throughout the system.

But the information that we have gathered indicates that we have a lot of external pressures that are more systemic in nature than related to the actual system itself, either the refuge system or the park system. They are more a function of things that are going on in this country as a whole rather than specific management activities that are occurring in those areas.

Senator CHAFEE. We can always find a reason to delay doing something because there may be another problem some place else, but let's do what we can, and if we have these other problems, let's deal with them, too.

Mr. POTTER. We are doing everything we can. That is why I mentioned earlier the memorandum that was sent out in February of last year by the Assistant Secretary to try to deal with a way of defining and addressing problems in National Parks and Fish and Wildlife Service areas. We attempted to divide resource problems into levels and categories and deal with those problems on an ad hoc basis. Until we get more information, we feel that this is the best way to go, and we are certainly willing to work with you in any way we can. I think Under Secretary McLaughlin has indicated that to you.

Senator CHAFEE. She has, and I applaud what she is doing. I think it is splendid that she has this working group, and I take her at her word that she is trying to deal with this problem and come up with a solution. I know she has some entrenched bureaucracies over there that are going to fight any change in the method that they have been doing business. That is understandable, and it is going to take her a while to feel her way along and come to the conclusion she wishes to reach.

But as I say, this isn't anything exactly new, people have been deploring this situation—as the quotes I cited point out—for quite a while.

There was a study in 1980 entitled the "State of the Parks Report" issued by the National Park Service.

The report indicated a total of over 4,300 individual threats. Many of the threats appear to be subtle in nature and difficult to perceive absent serious professional study. The report underscored a condition already suspected to be a serious matter by many observers. My question to you is, that report was prepared in May 1980, just 4 years ago. Has anything come of that?

Mr. POTTER. Well, we have evolved beyond that point to the point where the Assistant Secretary issued a memo last year dealing with threats and conflicts. I think some people question the 1980 parks report. I know we have been through the same sort of thing with Fish and Wildlife Service. Although we have a great deal of respect for the concern of our local resource managers, in some cases, I think their perceptions of the problems are, shall I say, distorted to some extent.

We know we have problems. We don't know where all those problems are, and we are trying as best we can to divide the problems into levels, as I indicated. I don't know whether this committee is totally aware of the memorandum and the supporting material that went out a year ago or over a year ago.

But we are working as best we can within the system, and we have certainly done a lot. There has been a lot of exchange since that Department's report came out in 1980, no question about it.

One thing that I think ought to be stated for the record as a response to your quotes from Mr. Lane and Mr. Mather is that the Park Service has been extended a great deal of authority to manage their areas, and in case after case, there has been conflicts with other management agencies that have a broader mandate, Park Service authority has been upheld. I think part of the problem here results from the fact that, in many cases, we have succeeded in maintaining the authority of the Park Service to manage areas and have effects on areas adjacent to parks over the objections of other management agencies. I think that is also part of the problem from the perspective of the other agencies, now. As the Deputy Assistant Secretary for Fish and Wildlife and Parks, I hear these objections from other management agencies and other Secretariats of the Department on occasion.

Senator CHAFEE. Do you have some kind of legal authority for dealing with threats emanating from sources outside?

Mr. POTTER. Well, we have—do you mean as regards to the Park Service?

Senator CHAFEE. Yes. What can you do? Let's have a situation, and this is a fairly typical situation: That the natural habitat of the elk, for example, that might be within the parks overflows out into BLM land that is contiguous to your parks, and you don't have control of that. But this is very important for the elk herd, for example. That is indigenuous to your park area, but its natural habitat and feeding areas take place outside in this BLM land.

Now, in the BLM land, they decide to allow cattle grazing in this very area giving no consideration to the fact that it is a natural habitat for the elk. What happens? What do you do? What can you do?

Mr. POTTER. As a general proposition, I think there is nothing in the mandate of the National Park Service that we can do. However, what we can do as a practical matter is to try to expand the boundaries of the park to acquire lands; we acquire additional habitat. In some cases, those elk herds or other herds, for example, the caribou in northern Idaho, are endangered. If that is the case, we do have additional mandates that extend beyond the borders. In fact, that may be a problem under this legislation, because there are certain priority species that we have to protect, as you know. It is uncertain what potential conflicts there may be, in some cases, as a result of this, especially if there are conflicts with protection and priority of species that occur in adjacent areas. So there are many other areas of programmatic legislation xhat we might utilize.

I think it is difficult, unless you talk about a specific example, to address this problem.

Senator CHAFEE. I'm not sure I understand your answer. Try it again. See if I can understand.

Mr. POTTER. Well, the answer to your question is that, as a general rule, I don't think we have authority beyond the boundaries of the parks. The Congress has been very specific in most cases about what can and can't be done within park boundaries, particularly in

recent years. What I'm trying to say is that there are other mandates that may apply adjacent to parks. The Endangered Species Act is an example.

Under the Endangered Species Act, the Fish and Wildlife Service has had to identify priority species that would——

Senator CHAFEE. I know that, but you are a long ways away when you get into endangered species, so let's not use that as an example. I don't know whether we want to restrict ourselves to that kind of situation.

Mr. POTTER. What I am trying to get at, and I am not being very clear about it, but one of the major concerns that the Fish and Wildlife Service has about this legislation is that there may be a potential conflict with some of the programmatic legislative mandates that they have. The Endangered Species Act is an example. The Park Service's management authority is a little different than the type of management authority Fish and Wildlife Service has, as you know.

Senator CHAFEE. I don't quite understand. I know the problems that you have and that you have got to work your way through these, but because you have strong bureaucracies entrenched, and you have Federal legislation that presumably affects forest lands, BLM lands, and all the other different lands that could possibly be in conflict with some Department of the Interior legislation.

So I understand that, but——

Mr. POTTER. If I may borrow an analogy that you used in your opening statement, you said that this was just a tip of the iceberg. I would agree with that totally. I think our feeling is that we need to know more about how big the iceberg is. In general, I think that was the approach taken on the coastal barriers. We were mandated to do a study, to come up with definitions of those areas, and then Congress came back and told us to protect those areas. I know in discussions with your staff that they have indicated they don't want to do any more studies, but we feel very strongly that without additional studies, we couldn't comply with your directives in this legislation in a year.

Senator CHAFEE. This thing isn't written in concrete. If it takes 2 years or 1½ years, whatever it is, that is fine. That is a specific detail that doesn't affect the thrust of the legislation.

Mr. POTTER. I think what the Under Secretary would like to do and certainly what we would like to do in the Assistant Secretary's Office is work with you to try to frame something more acceptable to those people who are extremely concerned about the potential conflicts, and as you know, we work with you on a daily basis in any case.

Senator CHAFEE. Well, I do want to work with you. I wish you had been a little more upbeat in your remarks here. There are ways of saying "no" more gently than you did.

I applaud what Secretary McLaughlin—and, obviously, working Under Secretary Clark's directorship—is attempting to achieve. How long would this report take, do you think?

Mr. POTTER. Well, I have heard a number of recommendations. I don't think we could do much in less than 2 years.

Senator CHAFEE. Two years? Do you mean to decide how you want to proceed on this?

Mr. POTTER. To categorize and define the kinds of conflicts that we are dealing with. And probably, I would need to go back and get some input from other agencies. We have not done that. We haven't asked for any specific recommendations because our mandate was to try to respond to your legislation, and so we were not thinking in terms of alternatives, specifically.

Certainly, we could look at that and answer that for the record.

Senator CHAFEE. Here is an editorial from the Arizona Daily Star which you probably saw from Friday, May 4:

> A contemptuous Act. The U.S. Bureau of Land Management outrageously and arrogantly insulted not only nature lovers, but the entire community by approving the reopening of a coal mine on the border of Saguaro National Monument. The agency showed a complete lack of consideration for a magnificently scenic area.

And a strong letter follows. It goes on to describe what happened outside of the national monument area, and nothing could be done.

This was on BLM land. The mine is snuggled against the side of the monument, a quarter mile south from Picture Rocks Retreat. It is well inside an area composed of the monument or of Tucson Park. BLM officials apparently did not bother to check with anyone. Speaking with park officials, "Potter" not this Potter "said the BLM will, on occasion if they are interested, work with them," meaning with park officials.

What a system. What do you say to that?

Mr. POTTER. I think that the result of that was, as frequently happens, BLM recognized they had a problem they had to deal with, and I think that the Saguaro situation has been addressed since that time.

Another example occurs to me that is similar to the kind of problem we are talking about aid. That is the conversion of certain areas to refuges. Taylor grazing rights were applied in the West to some ranches. In some cases, those areas have now been converted to refuges. For the purpose of protecting indigenous wildlife. We have had the conflict of trying to, on the one hand, deal with the wildlife management problems and, on the other hand, deal with preexisting grazing rights. It is a typical kind of a problem that we run into when we have joint management of an area. An example of that is the C.M. Russell Wildlife Refuge, which was formerly under the BLM. There were grazing rights extended prior to the establishment of those lands as a refuge. The only way to deal with a problem like that is to intensively cooperate and cause cooperation to occur between rival Federal agencies. I use the word "rival" carefully here, but we have forced those two agencies, BLM and Fish and Wildlife Service, to deal with the problem there, and it is working at the present time, but it is working only because there is an ongoing and continuous effort to manage that problem, and that is just one small problem in a very massive system.

It highlights the kind of problem we face when we have so many directives and statutes, and I know you have the same problem here with specific activities on Federal lands. That is essentially the problem we are dealing with.

We have no quarrel with the coastal barriers concept. The problem is where you apply it and where you draw the line, and that is what we need to focus on. We are talking about a much different concept here than when we were talking about coastal barriers.

Senator CHAFEE. Yes. I agree, and I see the problem. I see the problems between preservation and wildlife and grazing rights, for example, as you pointed out at C.M. Russell Refuge. It seemed to me that that was just luck that you worked together on that. Because apparently there is no lawful mandate that you do, as has been indicated in this situation out in Arizona, where the official from BLM said: "We will, on occasion, if we are interested, if they are interested, work with them," meaning if they so choose, BLM will work with the Park Service. In this case they will. Apparently they weren't interested.

Do you think there will be a requirement that there should be cooperation between the manager of the park and its contiguous areas, the manager of its contiguous area?

Mr. POTTER. I certainly think there is value in that, and I think that is the policy that we are trying to follow now. That was the essence of the directive the Assistant Secretary sent in February of last year, and that is, in my mind, also the essence of good management. You have to sit your agencies down and make them resolve their problems if that is possible. I think sometimes there is a tendency on the part of local managers to overstate their own prerogatives or their own mandates, but they ultimately have to realize that it is necessary that they cooperate with each other. That is a major part of our job.

Senator CHAFEE. How many agreements have been worked out between managers of contiguous areas, do you know?

Mr. POTTER. I don't know. Many, I'm sure. We could answer that question for the record.

Senator CHAFEE. Could you answer that for the record? Thank you.

[The information referred to was not received by time of publication.]

Senator CHAFEE. Let me just say that I am intensely interested in this and we are going to hear some witnesses today in connection with this.

As was indicated in my opening remarks, we are not saying that the contiguous area has to all be devoted to the preservation and enhancement of wildlife, but there are certain areas contiguous to the parks that are probably darn important, and the objective is to have the Secretary in a year, or whatever period you sought, draw out these important areas. Then those areas would be subject to non-Federal development leases that we have in the legislation.

Mr. POTTER. Well, the Under Secretary has asked that we work with you, and I know that she would like participation from your staff or whomever you designate on our task force. I am hopeful that we can do that as we work through these problems in the future.

Senator CHAFEE. Well, I hope so, and again, I want you to convey to her my appreciation for her willingness for proceeding on this. She has formed this task force and she is struggling with a difficult problem. We want to be helpful. Everybody has talked about this for 66 years, and nothing happens. There is some entrenched interest on the other side, there is no question about it, plus the bureaucratic interest, so it is going to take some real pushing to get some-

thing done, but I do hope she will proceed with the report that she is seeking rapidly so that we can move on.

Thank you very much, Mr. Potter. I appreciate your coming.

Mr. POTTER. Thank you, Mr. Chairman.

Senator CHAFEE. We will now have a panel of Mr. Paul Pritchard, president of the National Parks & Conservation Association, and Mr. Gaylord Nelson, chairman of the Wilderness Society.

Senator, we welcome you, we are delighted you are here, and if you would like to proceed, please do so.

STATEMENT OF GAYLORD NELSON, CHAIRMAN, THE WILDERNESS SOCIETY

Mr. NELSON. Thank you, Mr. chairman. I am accompanied here by Mr. Clay Peters who is Director of the parks department of the Wilderness Society and former employee of the Parks Department.

I am not going to read every paragraph in this statement because I don't want to impose upon the committee's time to that extent. So I would ask consent to have the statement printed in the record.

Senator CHAFEE. Fine, and we will put all the statements in the record.

Mr. NELSON. Mr. Chairman, I am Chairman of the Wilderness Society, a national conservation organization of 100,000 members and founded almost a half century ago for the purpose of helping to protect and preserve the wild lands and other public lands.

I want to commend you for your leadership in introducing the wildlife and the parks amendment. As you know, this issue of threats to the parks has been before the Senate for two Congresses now in the form of a House-passed Park Protection Act, H.R. 2379, and has received action whatever. Meanwhile, the conditions which call for this type of legislation continue to worsen. If the public knew more accurately what is at stake here, I would have no doubt we would see overwhelming public support for congressional action to address the problem.

The integrity of our national park system is seriously threatened—there is no doubt about that in anybody's mind who is familiar with the situation—as are many of the other national parks of the world for much the same reason. Our parks are being degraded and compromised by the pressure of development on private and public lands abutting the parks as well as by excessive pressures on the resource base by the human activities within the parks. Much of this destructive internal pressure could be relied by better park management. Units of our National Park System, be they representative principally of either natural or historic resources, were set aside to preserve and represent major examples of primative or early America. By definition, they are intended to preserve either a dynamic natural ecosystem or a historic remnant or scene as it existed from an earlier point in time, free from the influences of modernizing civilization.

They are meant to basically to stand still in time; yet the rest of the environment all around them is being increasingly subjected to modification and development at an increasingly rapid pace. The influences of change, as they intensify nearby, do not necessarily

stop at mere lines on the map, the parks boundary, just because the management objectives on the other side of that line may be different.

The point here is not to say that things are proper on one side of the line and improper on the other. Activities on both sides of the line may be entirely proper, but they may also be entirely incompatible and conflicting with each other. When this occurs, something must be done if we are to protect and preserve the park system as we know it.

There is no doubt that the most serious single problem confronting the National Park System is the rapidly increasingly and destructive pressures upon the basic park resources. These threats have come to be so pervasive for nearly all parks of the system that it is of vital importance that we fully and accurately recognize the matter for what it is, least we deceive ourselves of its seriousness in our efforts to resolve it.

The issue of threats to parks finally gained nationwide visibility as an outfall of the "1980 State of the Parks" report submitted to the Congress by the National Park Service at the earlier request of the House Interior Committee. That report represents a landmark survey effort, and its findings and conclusions are very disturbing.

The bill passed by the House in each of the last two Congresses is designed to address many of the problems highlighted by that report.

Incidentally, people have criticized that report. The report itself recognizes the limitations within the report. It is, however, a very fine report, and it delineates the major threats to the parks very clearly and makes specific suggestions for addressing those threats.

Furthermore, it is the only document of its kind available for the public and the Congress to get an understanding of what the threats to the parks are, and the criticisms of it are minor matters that are of not very much significance.

Following receipt of the "1980 State of the Parks" report, the House Interior Committee requested the Park Service to prepare a prevention and mitigation report which would represent an action program designed to embrace solutions to the threats identified in the "State of the Parks" report. Such a report was prepared and submitted by the Park Service to the committee in January 1981.

Now, it is clear from the record of the past 3½ years that the Park Service does not have a comprehensive plan to address these serious threats to the park system spelled out in the "1980 State of the Parks" report, nor does it appear that it intends to implement the plans and programs outlined in its own 96-page prevention and mitigation report submitted to the Congress in January 1981 by Park Service director Russel Dickenson. This is the report, 96 pages long, which, it appears, the Park Service now repudiates.

The Park Service has initiated one modest first step toward threats identification: The preparation of resource management plans for most parks. Information related to threats and resource problems must be drawn from these documents, assembled and analyzed systemwide and made publicly available, at least in summary fashion. Without this latter step, there is no way to know what is really going on or emerging systemwide in terms of resource threats affecting the parks.

Curiously, you can't get any of these reports out of Washington. If you ask for them, they will refer you to the park itself. So if you wanted 40 national park reports, studies that you have got, you can get in a airplane and travel to 40 parks. That is a rather strange way to manage a business of the Federal Government, not even to have the reports being made by the park itself available to the public, to the Congress and to the administrators of the Park System itself.

The Interior Department has repeatedly taken very negative positions respecting virtually all components of the House bills during the last two Congresses. It would appear that the House bill does too much for them to support and that your bill does too little for them to support. While the natural and cultural resources fabric which constitutes the very reason for the parks being created in the first place continues to deteriorate, the Department has turned away from this serious problem and instead has advocated and essentially carried forth the expenditure of nearly $1 billion to fix up comfort stations, plumbing, roads and other forms of development representing man's artificial facilities provided within the parks. This facilities restoration effort is referred to as the Park Restoration and Improvement Program. While some of the latter years PRIP money has been devoted to natural resources protection, that is only because the Congress, on its own initiative, appropriated extra money to be so devoted and the administration then later incorporated that funding into the PRIP budget so as to be able to say that PRIP is devoted, as well, to natural resource protection.

A thorough and comprehensive addressing of the threats problem should not demand significant new funding increases. While some new funding is needed for additional research, monitoring and data gathering, some of the most significant solutions could come through mere policy changes and shifts in priorities and management emphasis as is suggested by your own amendment, Mr. Chairman.

The National Park Service has strongly attacked those provisions of the House bill which direct the Service to implement various management actions internally within park boundaries, because the Park Service claims those provisions add little new authority beyond what is already available.

If such authority is already available, however, the Service has failed to take significant action on these matters based on that already existing authority, authority they claim they have.

One of the most urgently needed actions is to accurately identify the various actual and emerging threats to the park resources for all parks, to monitor those threats through time to assess the directional trends and changes in magnitude, and to identify courses of preventive or mitigative actions. This is the idea to be embraced in those periodic State park reports, reports which would provide systematic documentation and opportunity for trend analysis of the threats problems, and make this information available to the public and Congress.

The Park Service steadfastly refuses to prepare such a report; yet, unless there is some mechanism of this type developed, there is no way that the public, the Congress or even the National Park

Service itself will ever know what is really going on nationwide and in all of the parks.

In summary, the Department of Interior has continued to oppose legislation designed to assist protecting the parks from internal and external resource threats. Yet the Park Service appears to have insufficient legal powers to influence much of anything emanating from outside the park boundaries and appears to be doing very little to effectively conquer internal resource problems, as well. Legislation is urgently needed to both help and direct the Service to protect the parks more adequately.

Mr. Chairman, the pending Wildlife and the Parks Amendment language constitutes an important major step in the right direction. It appears to follow the central policy concept of the coastal barrier islands legislation which you so ably championed. The principal theme is one of Federal consistency: That is, the right hand of the Federal Government outside the parks should not be working at cross purposes with the left hand of the Federal Government inside the parks in terms of wildlife protection and wildlife habitat protection.

The amendment should add measurably protection for fish and wildlife sources of the parks which might be threatened by federally assisted actions inside park boundaries by similar actions on federally managed lands outside the park boundaries.

The greatest deficiency of the amendment is one which I know you well recognize, and that is that it is not nearly broad enough in the scope of its coverage. There remains a great void in the protection from direct threats to geothermal, land, water, vegetation, and historic resources. Obviously, inclusion of that type of coverage would likely influence the committee of jurisdictional referral and move the issue again into the same committee jurisdiction which has initiated no action on this matter in the past. Nevertheless, ultimately, a complete and thorough legislative addressing of the threats issue requires this broadened scope.

I note that section 607(b) of the amendment contains provisions designed to cause the National Park Service to periodically report to Congress regarding threats to fish and wildlife resources along with actions planned to deal with such threats. This is a very good feature, and I would hope that ultimately, it could be significantly expanded to assure that a very thorough and professional documentation and assessment program is instituted and reported to the Congress.

I would add that if it were possible to expand this section of the amendment to include provisions affecting actions internal to the park boundaries similar to those found in H.R. 2379, that would be a worthwhile addition, but I understand the problem that that may cause from the jurisdictional standpoint.

Again, let me congratulate you for taking the leadership in the Senate to address this critically important issue of threats to the integrity of the natural and cultural resources of our National Park System. We must find a way to move some broad scope legislation on this issue out of the Senate. Your legislation appears to be the first potentially viable step toward accomplishing that goal, and I commend you for advancing it.

Thank you very much.

Senator CHAFEE. Thank you very much, Senator Nelson. I appreciate that. You obviously put your finger right on it when you say that we have got a jurisdictional situation here, and it is our hope that we can move this legislation along in this committee.

What I would like to do now is hear from Mr. Pritchard, and then we will have some questions for you both.

STATEMENT OF PAUL C. PRITCHARD, PRESIDENT, NATIONAL PARKS & CONSERVATION ASSOCIATION

Mr. PRITCHARD. Thank you, Mr. Chairman.

It is a pleasure for me to be here, especially with Senator Nelson and Mr. Jarvis of our staff. I would add that I have asked Mr. Jarvis to join me because he can answer some of the questions you asked earlier, and thus we might come to a conclusion on these points that we have been dealing with for literally years.

I might say I join Senator Nelson's comments in thanking you for the tremendous leadership you have brought to us in bringing logic and order to the management of agency programs. I think this is the basic point of this legislation and why we are so enthusiastic about the approach that has been taken for this particular legislation. May I also ask that my testimony be submitted for the record, and I will summarize very briefly my points.

The first point that I would like to raise is basically, what is the problem? This is not the first time, as you pointed out in your comments, that this issue of wildlife preservation has been dealt with by the Senate. In 1894, the Senate was concerned about this as it related to the first great national park, Yellowstone, and at that time concluded that a park should, in fact, be an area that is set aside and should not allow for the destruction by other activities of the wildlife therein. What is critical about this bill, though, is that it deals with the more pervasive issues of all the parks, as you have well defined them, over 5,000 acres and that is the lack of interchange and communication between Federal agencies; the lack of information that a Federal agency should maintain to carry on so that it can make wise decisions; and the costly nature of the lack of that communication and the lack of that information.

So we would argue that, in fact, this particular piece of legislation addresses an evolution in the way of thinking about the National Park System itself. It seems to me that the basic premise of the 1916 act to the National Park System depends on not only having the information as your Act calls for, but also the clout to reinforce that information with the management necessary to protect the wildlife therein.

The "1980 State of the Parks" report, we think, was a very significant statement as Senator Nelson said. We think it was a very important precedent and, in fact, it was the first such evaluation of the Park System since 1916. With respect to this legislation what is significant about the report is that 40 percent of all the threats identified were to wildlife habitats in general.

I was referring to the 1980 parks report, I think it is fair to summarize three of the conclusions that came from it: First of all, that 40 percent of the threats identified in it were clearly associated with wildlife habitat. Second, 50 percent of the threats came

from actions imposed upon the parks themselves. In fact, it is our assessment that over 60 percent of the threats to the National Park System were caused by other Federal agencies. We would submit that it is imperative that if the Federal agencies do not talk to each other, the American people will be confused about the efficency of Government and the proper actions of Government in communicating alone. We think this is a critical lesson that is brought about by your specific bill itself. Specific area issues: At Yellowstone, threats to one of the last three remaining habitat areas for the American grizzly, the Yellowstone, ecosystem ski lodges, geothermal development, tree cutting, such as are threatening this basic resource which is as much a symbol as anything else of our Nation's great West: the America grizzly.

In Glacier National Park area, road construction has threatened one of the grizzly migration corridors and elk calving areas. At Dinosaur National Monument the issue is pest control and the loss of the peregrine falcon. All of these issues could be handled, we think, by the two logical steps taken by the legislation. That is what I would like to refer to in the second part of my testimony.

What is the solution to the clearly identified problems? The solution is Federal consistency. It is imperative that the Federal Government and, in particular, the National Park Service have some way to reinforce the actions and the needed communication that already should be occurring and that obviously the Under Secretary feels is not occurring. We believe that that interagency communication should continue, but the Federal consistency will give her, the Under Secretary, the clout to carry out the actions necessary to protect the wildlife and resources that are there.

We think it is interesting in terms of the threats that occur that some of the most insidious are not the threats that come from outside the park but, rather, from inside. We referred to one of these, in our statement, and that is the grazing regulations just recently written by the Bureau of Land Management. Those regulations are giving higher priority to cattle and other domestic stock while giving wildlife a second class status in the parks themselves. We think that raises a very strange question about the priority given within the Department of the Interior to the protection of the wildlife therein as called for.

Senator CHAFEE. Are you talking about within the parks itself?

Mr. PRITCHARD. That is right, exactly, within the units of the Park Service, and we would like to come back to that with specifics, if I may, if you would like us to expand on that.

The important point is these sources are not just from outside but from regulations imposed in the parks, on the habitat, within the parks themselves. Many would say that the Department of Interior should be able to bring about coordination within its own agency, within its own bureaus. Unfortunately, this is not occurring. This instance that you mentioned on Saguaro in the mining issue is another example of that. How, then, can this agency cause the communication and the reconciliation to occur with departments like Agriculture and Energy and others that are also sources of threats to the National Park System themselves?

Obviously, NEPA, in this instance, does not have the clout to bring about the communication which is necessary. It would seem

to us that if the Coastal Zone Management Act requires that the Federal agencies respect State resources and State plans; that if the Historic Preservation Act requires the Federal agencies to take into consideration resources not just of national but State significance, that if the Endangered Species Act itself as another piece of legislation calls for coordination among Federal agencies, then the national parks themselves deserve no less significance and importance in the protection of those resources within the national parks.

Therefore, we would submit that this is not only proper and well presented in law, but also desirable, and essential, it seems at this time, to bring about this change.

Federal consistency, we believe, is critical. Furthermore, as was stated earlier by the first witness, we do not have enough information, and I think that is a telling statement, and that is exactly what the second part of your legislation would require. We believe the "1980 State of the Parks" report gives us information that can always be improved tomorrow, but it is critical that we each periodically, biannually, whatever, have the same information so that we can assess trends; so that different parks can assess different problems that may be occurring in other parks around the country; so that there is at least a guiding light to the Park Service to direct their management to those threats.

We believe that there has been literally no response, systemwide, to the threats that were identified, with a great deal of public time and energy, $1 million, in 1980. We believe that this report should give that impetus and direction at least to that part of the management of the National Park Service itself.

My staff recently found a very important report, Senator, which I would like to submit to you. This is a report prepared by the State of California which is precisely the same report conducted by the Federal Government. I have copies for you here. This was prepared by Governor Deukmejian and it is a very important statement about the threats to parks in California. It is interesting, Senator, that this report was prepared about land and water conservation funds and administered by the National Park Service. So it would seem that what is good for the States seems not to be important enough for the Federal Government to carry out.

I would like to present that to you and hope that that will give us at least further support for the very essence of the legislation you are proposing.

I would suggest that, in fact, this legislation is so logical that even OMB might find that there is reason that this will resolve the conflicts in the financial costs that we are dealing with.

In summary, Senator, I would like to refer to the comments of Mr. Drury, one of the great Directors of the National Park Service, because I think he gave us a philosophical basis for what we are dealing with, he said:

> If we are going to succeed in preserving the greatness of the national parks, they must be held inviolate. They represent the last stand of primitive America. If we are going to whittle away at them, we should recognize, at the very beginning, that such whittlings are cumulative and the end result will be mediocrity.

Our National Park System, Senator, is a model for national park systems in 108 other nations. Last summer I was with a number of

park directors and citizens from other park systems around the world, and they said to us: "What you do in the United States in your Park System we often end up doing in our own national systems within the next 5 years." They said: "Please be careful to realize the decisions you make are not just limited to the United States but also are models for all of us to follow."

I would submit that this is very important, not only for your National Park System, but for those parks that are, in fact, looking at us for the model to deal with these contemporary problems: the problems of lack of enforcement, lack of clout and lack of information. We are honored, again, and appreciate this opportunity to testify before you. I would like to, if it is appropriate, to invite Mr. Jarvis or have him join me at this point to discuss some of the specific points you referred to earlier so that you might focus your questions on issues you raised earlier if that is acceptable, sir.

Senator CHAFEE. Sure. Go ahead, Mr. Jarvis.

Mr. JARVIS. Thank you, Mr. Chairman.

I would like to just take a moment to cite some examples that illustrate a great deal of the problem that we face with lack of interagency coordination. In the case of the Saguaro National Monument Yuma mine that you referred to earlier, in a May 14 Bureau of Land Management memo, they note that if less than 5 acres are to be disturbed, their regulations do not require a plan of operations or any form of BLM prior approval.

They also note—this is a quote: "The 43 CFR 3908 regulations do not require BLM to consult with adjacent land owners or other Federal agencies when reviewing a plan." They raise the question in the memo: "Should consultation be made a requirement of the regulations regardless of level of operations," they answer their question in the negative saying that it will create an opportunity for delay and controversy for operations that will not cause unnecessary or undue degradation and "it may encourage adjacent land owners or other Federal agencies in the mistaken belief that their complaints about legitimate mining practices have probative value to the BLM official reviewing a notice for claim."

I might also note in passing that the Mr. Potter, whose quote you cited earlier was, in fact, Craig Potter, the Deputy Assistant Secretary who testified previously.

Senator CHAFEE. Oh, was it?

Mr. JARVIS. And not some lowly BLM official. In another example, in Crater Lake National Park in Oregon——

Senator CHAFEE. Are you sure of that?

Mr. JARVIS. Yes, I am, sir.

Senator CHAFEE. It said Frank Potter.

Mr. JARVIS. There was a quote in another part of the same——

Senator CHAFEE. And also it said, excuse me, it said Fred Potter, a BLM minerals specialist.

Mr. JARVIS. There is a quote. Perhaps the one you cited was not Craig, but there was a quote which I can provide to the committee attributed to Craig Potter, Deputy Assistant Secretary of the Department of Interior, on the same issue that is equally blatant in ignoring the concerns of the Park Service. In another example, in a May 17 BLM memo regarding geothermal leasing adjacent to Crater Lake National Park in Oregon, the BLM says that the Na-

tional Park Service has expressed concern that geothermal development might adversely alter the water chemistry stratification and geochemistry in Crater Lake. They are concerned about air pollution impacts, death of endangered species, and infringement beyond park boundaries and impacts to wildlife. Internal NPS procedure requires reports of situations which might pose a threat to the parks to be forwarded to their headquarters office for the information of their Assistant Secretary.

The National Park Service has requested that the environmental assessment be forwarded to the Office of Environmental Project Review. The memo says:

> We have advised NPS that while we understand their concerns regarding potential impacts to the park, we must follow our procedures on permit review and NEPA compliance. These call for issue resolution at the field level. Thus we have not forwarded nor do we propose to forward our environmental assessment to the Office of Environmental Project Review.

Essentially, Mr. Chairman, in issue after issue, example after example, the other Federal agencies, even other Federal agencies under Secretary Clark in the Department of the Interior, refuse even the courtesy of consultation with the National Park Service when they have adjacent projects. More importantly, they refuse to take the views of the Park Service, the legitimate concerns for park resources and wildlife, in particular, into serious account when managing their own decisions. We don't propose to suggest that the Park Service have veto power over other agencies' actions, but we do suggest that their views need to be taken into account in some standard that has been set by which to judge which has higher priority.

Thank you.

Senator CHAFEE. Thank you very much.

Gentlemen, first of all, we want to thank all of you for your leadership in all these areas and in getting the public's attention focused on these matters. Because through your membership, you stir up the public, and thus we can get things done. Absent that, we could be in tough shape around here.

Let me ask a couple of questions, both to Senator Nelson and Mr. Pritchard. Under the Multiple Use Sustained Yield Act, forest lands are to be administered for outdoor recreation, range, timber, watershed, and fish and wildlife. These resources are supposed to be managed with due consideration given to their relative values.

Now, the question is, do you think the values of wildlife and park resources are getting due consideration when compared to range and timber when decisions are made to develop a particular resource? I suspect I know what the answer is to that: The answer is probably no.

Mr. PRITCHARD. Absolutely no, Senator. We think that is a very important point you raise; that, in fact, there are numerous instances where the laws now state that they should be given careful consideration, and they are not. Furthermore, there is no requirement that they do.

Senator CHAFEE. Do you agree with that, Senator?

Mr. NELSON. Was this in respect to those resources within the forest itself under the multiple use provisions of the act.

Senator CHAFEE. Yes.

Mr. NELSON. I would agree with what Mr. Pritchard said. As a matter of fact, as I recall, a further sentence in the law emphasizes the point that mineral or resource extraction is not to take priority over these other multiple-use purposes such as recreation, watershed, wildlife habitat.

Senator CHAFEE. It seems to me here is the problem we are going to get: The subsequent witnesses are from the Mining Congress and from the National Forest Products Association and so forth. They are going to say: "Look, we have problems, too. You have got the parks. Let's say that within the parks that the BLM shouldn't have control over the grazing." I think that was a mistake. I am talking about the parks. I don't know how the Parks Department is being pushed around by BLM within the park system, so that grazing rights have priority over the wildlife habitat. To me that is incredible, but that is a fact.

Mr. PRITCHARD. Yes, sir. Numerous times we raise the issue about Capital Reef and other areas, and it is a problem, and it is a growing problem because the BLM's, newest regulations allow for structural improvements for watering holes and other areas that are clearly designed for the cattle and not for the needs of wildlife.

Senator CHAFEE. That, to me, was shocking, and I wasn't conscious of that, but my primary concern has been devoted to the adjacent contiguous lands. Now we get to the contiguous lands, and we are saying under this legislation, give top priority to the consideration of the wildlife before you take Federal actions that might be detrimental to the wildlife in the contiguous lands. Let's just take, for the sake of example, a BLM land.

The subsequent witnesses come here and say:

> Well, you have thousands and thousands of acres within your parks. We come from a State that the Federal Government owns 80 percent of, so therefore we have got to have places to graze our cattle, and if you start giving top priority to the wildlife, then our cattle grazing is going to suffer. We are going to lose out. And enough is enough. We can't have the whole of Wyoming devoted to elk or the grizzly bear

or whatever it is.

> There are other things that take balance. You have got your parks, and you have got a lot of it, now let's leave us for grazing our cattle on the BLM lands.

What do you say to that?

Mr. PRITCHARD. Senator, I think that is a very critical issue in terms of the management actions taken by the National Park Service. Basically the opposite of that, though, is to allow us to do those things and have impacts within the parks but don't tell us to do things on the outside which will have impact on the parks.

Senator CHAFEE. Wait a minute. Start that again.

Mr. PRITCHARD. If the BLM—by the way, just on one point, in terms of the percentages of lands owned, the national parks are a very small percent of those large areas. Cattle grazing is a large use, as you know, of those public lands within the BLM.

Senator CHAFEE. Let's say, for example, that clearly, within the park system the wildlife should have priority. Now, I don't know why the park system is being ruled by BLM, and the outside grazing interests are getting priority over the wildlife within the parks. Let's assume we get that straightened out or that that doesn't take

place in Yellowstone, for example. I don't know whether it does or not.

Mr. PRITCHARD. We are simply arguing that in the instances of cattle grazing, and timber cutting, and development of ski resorts—which one might wonder whether they are critical to the purposes of the Federal agencies which issued them permits, there is no communication; that people in the case of Saguaro and others, are not even informing the Park Service. By their own policies, saying: "We don't have to tell the Park Service about our plans." So in part, the issue here is in communication. A number of these threats could be resolved, I'm sure, without any required enforcement or anything else. We are simply suggesting that the wisdom of that legislation that you have prepared says:

> Look, you have the mandate to communicate before, and you haven't done it. The reports are there saying it is needed. Therefore, we are going to give the Park Service and the Secretary of Interior, that is, the ability to enforce this if you won't, the Departments of Energy, Agriculture, and Interior and other agencies do not even take the time to get on the phone to call the Park Service superintendent.

We think that is the critical beginning. We are not suggesting that any of these activities necessarily should be stopped from occurring.

We are simply saying that it is imperative that we have the ability to require the communication; and second, that we have got to know the facts. To say that it is going to take 2 more years for us to decide whether we are going to be able to come up with the facts before we come up with the facts is, I think, a violation of the public trust and the objectives that were established in 1916, to protect the wildlife areas; you have got to know what that habitat, that resource is.

Senator CHAFEE. Furthermore, in this legislation, it doesn't say that. It doesn't say that within the contiguous lands, the wildlife has priority.

Mr. PRITCHARD. That is right.

Senator CHAFEE. It says it must be called to the attention and the Secretary must then decide whether it is going to be herefords grazing here or whether it is going to be elk.

Mr. PRITCHARD. It doesn't stop any other action, and those who would submit that it would stop their actions are not reading the bill. I think that is the important point. Those who are saying they shouldn't be required to do this are violating not an idea that is of 1984, but an idea that was evolved in 1916 and our great National Parks Systems. What is happening here today is we failed for 68 years to carry out the intent of the law. I think that is the logic and wisdom of your bill.

Senator CHAFEE. Senator Nelson, have you got any comments?

Mr. NELSON. I noticed in the summary of the executive summary of the State of the Parks report, the last paragraph is as follows:

> A final comment: the enabling legislation establishing the Park Service and its individual park units clearly mandates, as the primary objective, the protection, preservation and conservation of park resources in perpetuity for the use and enjoyment of future generations. The National Park Service recognizes that changes, priorities and reallocation of resources will be required to meet this mandate, and it is committed to do so.

Well, one of the resources of the parks, of course, is the wildlife. If that is the mandate, to protect the sources of the parks, and obviously, the widlife crosses park boundaries, the Federal Government owns the abutting land, the Federal Government has an obligation to protect the wildlife resource of that park which wanders in and out of the habitat of the national park, or forest, or the BLM lands.

Senator CHAFEE. I certainly agree with you. The easiest case, of course, is within the park. I, frankly, was not aware. I knew about the $1 billion improvements to lavatories and things like that, but I wasn't aware of the pushing around that the BLM was giving to the Park Service within the park.

Mr. PRITCHARD. Senator, we would just add that it is not just BLM, but that is an indication of what the Under Secretary, we think, is having to deal with. That is, everybody can hide behind their full mandate and say:

> No one told us this mandate is more important than that mandate, and therefore we as BLM or the Department of Energy or other agencies, we will move forward with carrying out our intended law and not even communicate.

That, to me, is improper, if not immoral, that there is this miscommunication occurring.

Senator CHAFEE. OK. Well, thank you both, all of you, very much. We appreciate the testimony you gave.

Mr. PRITCHARD. Thank you, Senator.

Senator CHAFEE. I want to thank you again for what you are doing through your organization.

Mr. NELSON. Thank you.

Senator CHAFEE. All right, Mr. Santini, and Mr. Tate. I understand Mr. Shotwell of the National Forest Products Association isn't going to be here, but he has a statement submitted for the record which we will put in.

Mr. Santini, we welcome you.

STATEMENT OF JIM SANTINI, MEMBER, BOARD OF DIRECTORS, HOMESTAKE MINING CO., ON BEHALF OF THE WESTERN REGIONAL COUNCIL

Mr. SANTINI. Thank you, Mr. Chairman.

Senator CHAFEE. As I said before, all statements will go in the record, so you can summarize or not. I have your statement here. Perhaps if you could summarize it, that would be helpful.

Mr. SANTINI. That is my intention.

Senator CHAFEE. All right.

Mr. SANTINI. Mr. Chairman, I am Jim Santini, a member of the board of directors of Homestake Mining Co. Homestake is an active member of the Western Regional Council. I appear before you today on behalf of the council.

The WRC is a coalition of 45 companies active in the West. Our membership includes businesses engaged in financial, energy, mining, transportation, and other enterprises. We appreciate the opportunity to appear before you and this subcommittee.

Because WRC member companies are good neighbors with many of this Nation's largest and most beautiful national parks, and because we support reasonable protection for these resources, we feel

we have a unique understanding of the numerous national parks located in the Western United States. Consequently, we are deeply interested in the Wildlife and the Parks Act of 1984.

The Wildlife and the Parks Act is aimed at protecting sensitive fish and wildlife species located primarily within the larger park units and contiguous land. However, after a careful review of this legislation, we are deeply concerned about its potential negative impacts without sufficient offsetting benefits. We have developed and discussed in specific detail our concerns about amendment No. 2807 in our written statement and, as previously discussed, would ask that the statement be entered into the record. I would briefly summarize some of those concerns at this time.

WRC is concerned that the implementation of amendment No. 2807 would negatively impact the activities of businesses, individuals, park visitors, and various levels of government near our national parks without providing the desired offsetting benefits for those parks.

The act would conflict with existing laws and regulations, both State and Federal, while expanding the authority of the Department of Interior beyond that which is necessary to address the existing and/or potential threats to sensitive fish and wildlife species.

The WRC is also concerned that imprecise and ambiguous terms and phrases in the legislation create uncertainty in its implementation that would give rise to numerous lawsuits with their obvious additional costs and delays. It would also override the establishing legislation for the affected parks by providing for de facto expansion of the existing park boundaries.

We oppose upsetting the careful balance between the competing factors under existing Federal land management laws and regulations by making the protection of wildlife the dominant factor in land management use and decisions.

WRC also opposes the establishment of yet another special category of restricted Federal land, wildlife resource habitat areas, with its attendant limited scope of management and use options. Creation of an additional category of restricted Federal lands must be viewed in the larger context of total Federal land withdrawals and restrictions.

The Federal Government owns one-half of the land in the west ern United States, including 50 percent of the land in the eight-State WRC area. Much of the Federal land is subject to restrictions that either limit or totally prohibit energy or mineral exploration or resource development. Restricted Federal lands include 80 million acres of national parks, monuments, and historical sites; more than 84 million acres of wildlife refuges, more than 191 million acres administered for military purposes; 51 million acres held in trust by the Federal Government as Indian reservation land; and millions of acres set aside as wilderness or under consideration for wilderness designation.

The increasing curtailment of resource exploration and development on public lands is, in my judgment, one of the most serious problems facing resource industries and the resource dependent American public. It is clear to see why creating additional restricted or withdrawn lands is of such great importance to the Western Regional Council and to resource-dependent Americans.

In conclusion, Mr. Chairman, WRC recognizes that there are some legitimate threats to some specific park units. We believe that such threats can be carefully addressed on a case-by-case basis. The legislative responses to date have simply been too broad to effectively deal with the most critical threats without imposing unnecessary and inequitable burdens on individuals, businesses, and State and local governments.

WRC is currently analyzing the problem of threats to our national parks with the goal of developing some equitable, meaningful alternatives to the pending administrative and legislative proposals. In the interim, we recommend that Congress address the most significant park threats on a case-by-case basis.

Once again, the WRC appreciates the opportunity to provide our views on amendment No. 2807.

Senator CHAFEE. Thank you very much, Mr. Santini. This is a very thoughtful statement you have prepared. The references to the other laws that you cite and the possibilities of potential conflicts with those laws, that is helpful to us. I would stress this: I know you list all the acreage over 100 million acres devoted to military reservations and so forth, but I would point out, and I'm sure you are aware, that we are solely talking of within parks or lands that are contiguous to parks, so that would exclude a great deal of this Federal land that you are talking about. Of course, it would exclude probably most if not all of the 191 million acres administered for military purposes, I expect. Most of that is not contiguous to a park.

In any event, why don't we hear from Mr. Tate?

Mr. SANTINI. Mr. Chairman, if I might respond to that?

Senator CHAFEE. Yes.

Mr. SANTINI. By way of emphasizing our concern, I think our legitimate concern, as we analyze the potential impact and implications of your thoughtful legislation, is the cummulative impact, particularly in the West, of all Federal land withdrawals and restrictions. While 2807 may not directly impact all military lands, such lands are restricted from certain activities, and 2807 clearly withdraws or restricts even more Federal acreage from resource exploration and development. Mr. Chairman, you have created a special land-use category for management, wildlife resource habitat areas, that heretofore did not exist, with new management directives.

We are also, concerned about the precedent established by 2807.

It seems, Mr. Chairman, that potentially, if your legislation has applicability to national parks, why should it not then, have applicability to the BLM lands that you were discussing with the previous witness? Why could it not be expanded to have applicability to national forests? Once established as a statutory precedent, once it achieves the endorsement of at least the majority of the U.S. Congress in both Houses, it then is a significant precedent in determining management and land-use decisions in the outer acreage, with the possible exclusion of the military lands.

I don't think, given prior experience, at least to date, and the deference given to military lands, that then would be affected. I do think that it is a very real and understandable concern that your

new land use classification and management directives could be applied to the other Federal lands.

Senator CHAFEE. I appreciate that, but, as you well know, the danger of a precedent is always being considered here. If you start down this path, where does it lead to?

But I think there is a difference, because one of the purposes, set forth long before you and I ever were around, for the national parks was, indeed, the preservation of wildlife. We are talking of the parks. What occurs to me is that that is losing out.

As you heard the previous testimony, we are vigorous in providing for roads and more toilets and more sewage plants, and that all is associated with the fact that we want the public to be able to enjoy these parks. But also one of the reasons for the preservation for the parks was the preservation of wildlife and natural resources so they would be there for the people to see and to enjoy. So I think this is a little bit different and that this might extend into all forest lands or all BLM lands.

Mr. SANTINI. Mr. Chairman, if I might respond, yes, there is a difference between the enabling act for most of the parks in the Western United States. People use and recreational use is one of the defined purposes, for park creation, unlike other Federal lands that are not necessarily created with recreation or people use as a defined concern.

BLM multiple-use land, of course, includes recreation but doesn't emphasize it to the degree of the enabling legislation for the national parks.

The emphasis in national parks on people use doesn't exist on BLM lands. The amendment creates a priority category or management category here that places people use and recreation in a secondary position. Yet if people use is less important in the national parks than the wildlife, then certainly it is less important on BLM land, where people use was never part of the Organic Act emphasis. At least I think there is a reasonable case to be made.

Senator CHAFEE. Obviously, this could be debated to some extent. Why don't we hear from Mr. Tate?

STATEMENT OF DR. JAMES TATE, CONSULTANT, ON BEHALF OF THE AMERICAN MINING CONGRESS

Mr. TATE. Thank you, Chairman Chafee.

I am Dr. James Tate. I am a professional wildlife biologist and a consultant in environmental issues. I am here today to testify on behalf of the American Mining Congress.

The American Mining Congress is an industry association that encompasses the producers of most of America's metals, coal, industrial, and agricultural material, they include manufacturers of mining and mineral processing machinery, equipment, and supplies; they include engineering and consulting firms and financial institutions that serve the mining industry.

The reason we are here is because AMC member companies operate on public and private lands in all 50 States.

As you requested, I will emphasize only certain points and go through this testimony in such a way as to speed the process for you. Our first concern is with the subject of buffers. Among its pro-

visions, we believe that amendment No. 2807 amends the National Park Assistance Act of 1970 by granting additional authority to the Secretary of Interior to control actions on lands within the units of the National Park Service not held in fee simple by the Federal Government and on Federal lands outside the park system unit boundaries.

In essence, we believe a buffer is established around the units of the National Park System for a single or predominant purpose, namely the conservation of fish and wildlife.

We submit that any classification of land by the Congress must contain any necessary buffer within its boundaries. It must be subject to administration by the agency or the bureau charged with the responsibility by the Congress. We believe it is not by accident that Old Faithful is located near the center of Yellowstone National Park. In establishing park boundaries, Congress has examined the resource worthy of protection; it has provided a substantial buffer around those resources and it has enacted enabling legislation appropriate to preservation of that resource. If the judgment of the Congress is that activities adjacent to the parks cause degradation to the designated park system unit resource, then the individual boundaries of the park should be adjusted on a case-by-case basis.

A second subject of interest is the single preferred use versus all other uses.

As proposed, this amendment would create yet another type of indirect Federal land use control whereby a single Park Service preferred use could override all other potential uses including those preferred by State government, local and private landowners. This would be disturbing even if it was applied only to adjacent multiple use Federal land. But it goes further by extending Federal control to all lands considered adjacent to a unit of the National Park System and important to a fish or wildlife species that happened to occur on the unit whenever Federal approval might be required.

We believe that the Coastal Barrier Resources Act concept is, in this case, ill suited as a model where Federal multiple purpose——

Senator CHAFEE. I missed that last comment. What were you saying? You were saying it is bad enough that it applies to Federal lands adjacent to the parks?

Mr. TATE. We believe it goes further. We believe this extends Federal control to all lands.

Senator CHAFEE. Do you mean private lands?

Mr. TATE. And State lands, providing Federal approval to an action on those lands is required. As an example, if Federal funding is required to proceed with a local municipality sewage control project, we believe the way the amendment is written that it would fall under that jurisdiction.

Senator CHAFEE. No, not at all. I don't know how you get that. Let's say you have a piece of privately owned land next to a park, and you think that this legislation would apply to a Federal-built road in that land?

Mr. TATE. If I may use an example of wildlife a little bit more, that same piece of private land you just mentioned might well contain resources essential to the success of that private land owner,

such as grasses that could be grazed or, in fact, possibly the haystacks on that land. Fish and wildlife coming off the parks could, in fact, damage that private property and if, in order to prevent that damage, the State responsible has to apply PR funds in order to conduct a damage control hunt, control that species that might be damaging his private land, the way we read this act, those Federal dollars could not be spent to have that federally funded.

Senator CHAFEE. That is not the intent, and I think that specifically is exempted. But in any event, go ahead. Thank you. Keep going if you would, please.

Mr. TATE. OK. I was getting to the concept of the Coastal Barrier Resources Act concept itself, which fitted for the purpose for coastal barriers and islands, is ill suited as a model where Federal multiple purpose lands are involved. We also believe that it will simply not work for mobile, often ubiquitous resources such as fish and wildlife which get up and move outside of boundaries that are at one point or another drawn on a map.

Based on the acreage level alone, the bill would include nearly one-half of the 334 units of the National Park System. We agree the bill would not include the Edgar Allen Poe National Historic Site or the Rock Creek Parkway; jurisdiction would include all national parks, all or some National Park System units in the following categories: historical parks, military parks, monuments, preserves, seashores, lakeshores, wild and scenic rivers, riverways, national recreation areas, and even one national scenic trail.

Going back for a moment to an earlier point, each of these has a specific resource to be protected. Most have separate enabling legislation for that purpose. Seldom, if ever, are fish and wildlife resources given as the driving reason behind the establishment of the areas just mentioned.

By the way, we have attached to this testimony a listing of all the National Park System units affected by these conditions.

We find conflict, as well, between this amendment and the National Park System legislation. The Organic Act of 1916 to the National Park Service states that a purpose of parks, monuments, and reservations is to conserve the wildlife therein. Our objection is to the wording "to restore or maintain optimum levels of fish and wildlife species that are primarily found within a National Parks System unit" which is included in amendment No. 2807 under the definition of "contiguous ecologically related federally managed area." Once again, most of the units of the National Park System have individual enabling acts.

We are also concerned that the amendment reduces the authorities of the Secretary of Agriculture with reference to National Forest System lands. It conflicts with the Organic Administration Act of 1897 and the Multiple Use-Sustained Yield Act of 1960. On BLM lands, it conflicts with section 302 of the Federal Land Policy and Management Act of 1976. It conflicts with the policies set by the Congress in the Mining and Minerals Policy Act of 1970 and with the National Materials and Minerals Policy, Research and Development Act of 1980.

We believe that existing legislation protects wildlife. The amendment offers little enhanced protection for Park System wildlife that doesn't already exist under existing legislation.

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A few of the things that apply are: the Endangered Species Act, Environmental Policy Act, the Clean Air Act, the Clean Water Act, the Migratory Bird Treaty Act, the Eagle Protection Act, the Fish and Wildlife Coordination Act, and it supports a host of other statutes that provide a framework of legislation that specifically protects fish and wildlife resources. From a fish and wildlife protection point of view, the amendment isn't necessary.

One of the concerns that we have heard is that we are looking at reducing the greater government costs. It appears that the amendment imposes another layer of Government on top of that that is already required.

The complex and costly planning, referred to earlier that would be required by the National Forest Management Act, the Rangeland and Renewable Resources Planning Act, and the Federal Land Policy and Management Act would, under this amendment, be superseded on a case-by-case basis by the Secretary of the Interior. Federal land planners are already required to consider fish and wildlife and their habitats, along with the other uses that are required by law. They must place these consideration in perspective with all others.

We are concerned about private rights. Implementation of this legislation would constitute the taking of private rights within the parks and provide an opportunity for claims against the United States.

Although the bill suggests that it will not affect private lands outside the parks, the effect of closing out any type of Federal financial aid to the private landowner could have an adverse effect upon thousands of inholders on Federal lands other than those within Park System units.

Senator CHAFEE. Mr. Tate, I don't want to cut you off, but we do have quite a few witnesses here. If you could move along perhaps a little bit faster?

Mr. TATE. Very good.

In dealing with private rights, we are concerned about its effect on state and local governments seeking Federal grants or loans. We believe, in talking about government costs, that represents a costly bureaucratic increase in Department personnel, it would delay Federal decisionmaking and slow the process, hindering mineral exploration, timber harvest, grazing, recreation, and other legal multiple uses.

In reference to the state of the parks report that was mentioned earlier, we have reservations about the accuracy of the Park Service's parks report. To quote, we believe illustrates the problem:

> Only one quarter of all reported threats are documented. This leads to not only resource conditions and sources of impinging activities, but also to the basic information available for planning and decisionmaking.

Also, mammals appear with considerable frequency as a threatened resource. While this group of vertebrates is small in numbers in most parks, most of them are obscure, nocturnal, and not known to most people. A few large mammals attract considerable attention, and as a result, park managers tend to accord them an importance exceeding their occurrence in most units.

What we are dealing with here are the perceptions reported by park managers rather than documented problems.

The central problem with wildlife issues is, if we do not know what is on a Park System unit by inference, we do not know how it relates to adjacent, contiguous populations of the same species. Are the populations of fish and wildlife of the Park System units part of the same population or separate? Is this true of all seasons or some seasons? When and where does one draw these lines?

Our major concern is that this proposed legislation would provide the Interior Secretary with virtually unlimited authority to restrict mineral development on Federal lands adjacent to the park, despite the existence of a clear body of controlling legislation and public policy. We don't think this is what the Congress, through the body of law that exists, intends to be the future policy of the United States. We submit that these problems aren't singular to the American Mining Congress.

We go on to quote a similar study that reached similar conclusions. As a result, we are urging the Subcommittee on Environmental Pollution to reject amendment No. 2807 for the reasons I just cited. But please be assured of our desire to cooperate in the establishment of a strong and well-managed National Park System.

We would be willing to answer questions if you have some.

Senator CHAFEE. Thank you very much, Mr. Tate.

In your testimony, you point out that the coastal barrier concept would not work here because fish and wildlife wouldn't work for mobile, often ubiquitous resources, such as fish and wildlife. Being the fact that you are a wildlife manager, I think you have a degree in wildlife ecology, don't you?

Mr. TATE. Yes, sir.

Senator CHAFEE. Don't you think that wildlife science is precise enough to delineate key habitat areas which we are talking about here?

Mr. TATE. I would like to believe that our science has progressed to that point. As a way of looking at that question and trying to be systematic and logical about it, I compared the Rocky Mountain National Park, for an example, with the State of Colorado's big-game-management units adjacent to it. I find that the national park overlaps unit No. 20 by about a third of their common borders, No. 18 by about a quarter of their common borders, it is adjacent to but not overlapping with big game unit No. 19, and it is within 5 miles of No. 171, No. 7, No. 6, No. 28, and No. 29.

Senator CHAFEE. You have me a little confused.

Mr. TATE. These are the big-game-management units adjacent to the Rocky Mountain National Park.

Senator CHAFEE. Yes.

Mr. TATE. They deal with deer, elk, mountain lion, and bear—the four species they are responsible for.

In addition, we have adjacent to Rocky Mountain National Park Roosevelt National Forest, Arapaho National Recreation area, the Arapaho National Forest, and the Colorado State Forest. We have the towns of Estes Park and Granby. In addition, we have Lake Granby, Shadow Mountain Lake, and Willow Creek Reservoir. I defy any wildlife manager to tell any of us whether a fish species or one of these big-game-management species just mentioned is,

indeed, a park population member that spent some of its time off the park or is affected by activities in any of these national forests or any of these towns or any big-game activities by the State of Colorado for responsibility with management.

Our science is simply not good enough at this point to identify these.

Senator CHAFEE. If I understand what you are saying, you are saying you can't tell which is an animal species that is indigenous to the park as opposed to being outside?

Mr. TATE. I can't identify whether the individual members of a family unit or individual elk or deer are, in fact, part of the park population as defined.

Senator CHAFEE. I see.

Mr. TATE. What we have is a host of fish and wildlife problems presented by this legislation. Most of these problems have been worked out over the last 30 or more years by the State fish and game departments, Fish and Wildlife Service, National Park Service, through consultation, through revision and innovation of their management programs, and now we are inserting a new management technique that appears unnecessary and, in fact, unreasonable.

Senator CHAFEE. I'm not sure I agree with you. As a matter of fact, I'm sure I don't agree with you. But nonetheless, you also state in your presentation that this amendment offers little enhanced protection for park wildlife. Why do you say that?

Mr. TATE. I believe there is a body of law, regulation, and a body of management plans—oh, I should say a body of resource inventories and management plans related to those inventories that have been negotiated and worked out according to local situations over a number of years for a vast number of species. For us to have to suddenly identify whether one of these management plans happens to apply to a species that sometimes is on the park, sometimes not on the park or is somehow related to the park population is an artificial addition to our management.

Senator CHAFEE. Mr. Santini, in your statement you say that responsible management decisions regarding park units should be considered on a case-by-case basis. Actually, that is what we do in here. We have a case-by-case basis in that the Secretary makes the decision. He doesn't have to go along with this. He can exempt it if he so chooses. Doesn't that meet your objections?

Mr. SANTINI. It seems to me, Mr. Chairman, that your amendment allows a secretarial exemption only with a finding of no detrimental effect on fish or wildlife. In addition, your suggestion of the wildlife resource habitat determination, combined with the responsibility of determining detrimental effect creates, first of all, a national standard that will impact at least 150 of the national parks, and creates not only perhaps superfluous, perhaps redundant, authority but seems to suggest that there is a new standard by which park wildlife population should be administered and managed. It seems to mandate implementing a priority standard of control and management for wildlife species on a uniform or national basis as opposed to dealing with the practicalities, realities, and legalities of competing park uses on a park-by-park basis, which is

probably the evolution of the administrative practice and regulation today.

Senator CHAFEE. OK. Well, thank you both very much for coming in, gentlemen, and we appreciate it.

Mr. SANTINI. Thank you, Mr. Chairman.

Senator CHAFEE. Thank you.

This hearing is going to end no later than 12:30, so I want to move along with the witnesses who have been going a little slowly. We have had five witnesses in 2 hours. We have to step up the pace because we have seven witnesses left. Next will be Mr. Michael Bean and Mr. Davison.

Each of the witnesses will have 5 minutes, so please summarize your statements. Mr. Bean, why don't you go ahead, Mr. Bean of the Environmental Defense Fund.

STATEMENT OF MICHAEL J. BEAN, ENVIRONMENTAL DEFENSE FUND

Mr. BEAN. Mr. Chairman, thank you very much for the opportunity to be here. I will submit my statement and neither read nor summarize it but rather respond to some of the comments made earlier. First, to address some of the remarks of Mr. Potter, he said at the outset of his testimony that the Department will protect park resources under existing authorities. I think that is pretty close to a quote of what he said. But he also acknowledged, in response to your later question, that the Park Service does not have the authority to protect park resources from threats arising from outside park boundaries. Indeed, in that admission, he is correct. At the most the Park Service can call upon moral suasion to persuade other Federal agencies that it is in their interest to exercise their discretion so as to protect park resources, but the Park Service can't compel it, and none of the legal authority available to the Park Service or other agencies of the Federal Government can compel that result, either.

Mr. Tate, in his testimony a moment ago, recited a long list of Federal laws that he said provided adequate authority for protection of park wildlife. I submit that he is incorrect. In my statement, I provide an analysis of a number of the laws that he cited and point out why they provide an insufficient basis for protection of park wildlife from external threats.

You asked Mr. Potter, as well, whether it would be useful to require coordination between the Park Service and other Federal land management agencies. I would only point out that such coordination is, in fact, already required under a number of statutes applicable to Federal land management agencies, most notably the Federal Land Policy and Management Act, applicable to BLM lands, which requires in section 202(C) that BLM land management and land planning be carried out in coordination with land management and land planning of nearby State, local, and Federal land management agencies.

But clearly, the mandate to coordinate management and planning has been insufficient to prevent the sort of harm to national parks and their wildlife resources that you documented in your

opening statement and that has been documented in the "1980 State of the Parks" report.

Mr. Potter, at another point, raised the possibility that the current legislation might conflict with the Endangered Species Act and undermine the support that that act provides for endangered species. I think he is absolutely wrong about that. There is nothing in this legislation that conflicts with, or diminishes, the protection the Endangered Species Act provides. It may provide added protection, but certainly, it does not reduce protection.

I find it curious that Mr. Potter regards as an objectional feature of this bill the fact that it only deals with part of the problem. It seems to me that if we can solve part of this problem, that will be a major accomplishment. The fact that this bill doesn't address air pollution and interference with scenic vistas or ground water or a host of other problems that may affect parks is not a basis to oppose it.

You asked the question, as well, about the fundamental fairness of giving priority to wildlife on Federal lands outside park boundaries. I think some of the witnesses who have testified earlier today have greatly mischaracterized this legislation and suggested that it makes wildlife protection a dominant use in buffer zones outside park boundaries. That is not how I understand this legislation.

The legislation has a very limited scope. It does not apply to all wildlife. It applies to only those wildlife populations that are found primarily within National Park System units. It is important to point out that this legislation simply says that the Federal Government, as a manager of land adjacent to national parks, should not and, indeed, may not undertake actions which significantly impair the value of wildlife found primarily on national parks.

That restriction derives from a very fundamental consideration of fairness, and that is that the parks are, in fact, the property of the people of the United States. They exist for the pleasure and enjoyment of all the people. The wildlife in those parks is, in many, if not most, cases, one of the major reasons why parks are valued by the American people. To allow the Federal Government, in its management of adjacent lands, to significantly impair the very value of those highly valued parks is itself fundamentally unfair to the American people because of their interest in the parks.

Mr. Tate a moment ago suggested that your legislation would place restrictions on private lands. He is wrong in that. I do not understand your legislation as applying in any way to private lands but is limited, instead, to public lands.

Senator CHAFEE. Private lands outside the parks.

Mr. BEAN. That is correct.

Senator CHAFEE. The private lands surrounded by the parks would be affected.

Mr. BEAN. Private lands outside the parks are not affected.

Senator CHAFEE. Could you also address Dr. Tate's point that you can't tell wildlife that is indigenous to the park as opposed to it primarily being from outside the park?

Mr. BEAN. Certainly. For some species, making that determination will require additional research beyond what has been done today and knowledge beyond what is known today. I think for

many species, certainly the game species and the better studies species, that is not that much of a problem.

Clearly, in talking about the lesser known species, it becomes more problematic. Perhaps in that area your legislation has some rough edges which need to be smoothed. I, for one, would be happy to coordinate with you and your staff in an effort to do that. But I don't think this problem is insurmountable by any means.

Senator CHAFEE. What about the point that Mr. Santini made that the parks are for recreation and that by putting this accent on the wildlife, now we are talking strictly within the park; that you may not be able to build that road to the ski slope that the public wanted for their recreation? What is your answer to that?

Mr. BEAN. Well, the purpose of the parks is set forth very clearly in the 1916 National Park Service Act. That act provides that the parks are to provide for the wildlife, scenic, historical, and the other values for the enjoyment of present and future generations unimpaired. Clearly, any measure which ensure no detriment to park populations of wildlife will further the purpose of the enjoyment of those wildlife.

I think the instances of tradeoffs of that character are likely to be very unusual. A far more frequent example is where an activity outside park boundaries takes a heavy toll on park life without any compensating recreational benefit.

So again, I don't think that is a serious problem with this.

I would like to conclude with a reference to a controversy that occurred in the 1950's over the construction of a dam by the Bureau of Reclamation. This was the Echo Park Dam. It was a controversy in the early 1950's because one of the things it would have done was to flood a portion of Dinosaur National Monument. There was at that time, just as there is today, no law by which the Park Service could prevent the Bureau of Reclamation from building the dam, which would flood a portion of Dinosaur National Monument.

There was, however, in the public at large, a very strong interest identified with the protection of that national monument and the wilderness character that it embodied. Historians today look upon the battle over Echo Park Dam as giving birth to the modern environmental movement. But the Federal bureaucracy at the time was very much intransigent. Mike Strauss, who was at that time head of the Bureau of Reclamation, spoke out against the people in New York and in the East who were arguing for protection of Dinousaur National Monument. He spoke out against them as:

> The self constituted long-distance protectors of Dinosaur National Monument. From their air-conditioned caves overlooking the undeveloped wilderness areas of Central Park—these self-appointed guardians have taken it upon themselves to safeguard the canyons of Dinosaur for the handful of brave souls who dare to explore the area by boat.

Based on the testimony we heard from the first witness this morning, it is clear that in the 30 years since then, the message has been more polished and is presented in less grating tones, but the message is still the same.

Your bill is designed to change that, and I applaud you for it and pledge my cooperation in working with you.

Senator CHAFEE. Thank you very much, Mr. Bean.

One other question, in your comments on the Fish and Wildlife Coordination Act, you seem to indicate that it is rather a toothless act. Are you saying it is not applicable to activities in Federal lands?

Mr. BEAN. There is a specific exemption in the Fish and Wildlife Coordination Act for activities "in connection with programs primarily for land management amd use carried out by Federal agencies with respect to Federal lands under their jurisdiciton." With respect to BLM and Forest Service lands and, indeed, other Federal lands, that exemption indeed rendors the Fish and Wildlife Coordination Act useless. So it is, in fact, toothless.

Senator CHAFEE. That is very important, because I think Mr. Santini and Mr. Tate felt that the Wildlife and Parks Act covered that situation, so this is redundant.

Mr. BEAN. They are mistaken in that regard.

Senator CHAFEE. All right, fine. Thank you.

Dr. Davison, you have a statement; why don't you summarize it?

STATEMENT OF DR. ROBERT P. DAVISON, LEGISLATIVE REPRESENTATIVE, FISHERIES AND WILDLIFE DIVISION, NATIONAL WILDLIFE FEDERATION

Dr. DAVISON. OK. Thank you, Mr. Chairman.

I am Dr. Robert Davison, the legislative representative for the National Wildlife Federation's Fish and Wildlife Division. I am very pleased to be able to be here to comment on the Wildlife and Parks Act of 1984. That act advances the very sensible concept, in our opinion, that the United States should not provide financial assistance or expenditures on federally managed lands for activities that are inconsistent with protection of parks and refuges and their wildlife resources, including fish.

The National Wildlife Federation thoroughly agrees with this approach to natural resource protection. There is a need to develop consistent Federal policy toward fish and wildlife conservation to avoid the problem of various Government units working at cross-purposes. The Wildlife and Parks Act of 1984 could help to establish such a consistent policy on federally managed lands. We do think, however, that the act needs to be improved in several ways.

First, the prohibition on Federal financial assistance and expenditures that are detrimental to fish and wildlife resources should include not only units of the National Park System but also units of the National Wildlife Refuge System. National Wildlife Refuges are established to conserve wildlife as a primary purpose with all other purposes being secondary. Moreover, our National Wildlife Refuges are suffering from many problems that are similar to those confronting our national parks.

Of the problems identified on national wildlife refuges in a recent report by the Fish and Wildlife Service, 58 percent were strictly external, and 25 percent originated both internally and externally. Only 17 percent were strictly internal.

Senator CHAFEE. You have a good point there. There is a lot to what you are saying.

OK, continue.

Dr. DAVISON. Thank you. Second, while we are aware of the rationale for limiting the legislation to units of more than 5,000 acres, such a limitation may unnecessarily jeopardize fish and wildlife populations of the National Park System simply because they are not using larger units. If the intent is to exclude historic or urban sites, then we suggest that this be done through an exemption process that gives the Secretary of the Interior the authority to remove units from the protection of the act when no native fish and wildlife species are at risk.

Senator CHAFEE. That is a point, too. I think we are just trying to cut off some of the opposition and find out how this is going to be applied to the Statue of Liberty Park under your point, we can exempt that. All right. These are good suggestions. Let's have the next one.

Dr. DAVISON. OK. Third, the act calls for the designation of wildlife resource habitat areas, an action that, while sound in concept, will be extremely difficult to implement for many species. Although wildlife science and its techniques have progressed greatly in the last 50 years, we need to recognize that it still will not be possible to define the life requirements of many species in the type of detail that would be required to implement this act.

Even the complete designation of habitats for populations of many of the large and most imperiled species may be costly and labor intensive.

I would add, though, that none of these problems and limitations in our knowledge should deter us from beginning to work toward a consistent Federal policy for conservation of those fish and wildlife species where we do have adequate information. I think we just need to recognize that we need to be prepared to commit both personnel and dollars to expanding our documentation of species' habitat requirements.

Senator CHAFEE. Well, on that point, I think you are right. I think it is difficult to delineate habitat. What about if we started with one or two of what you might call the easier ones, species whose habitat we know and then go from there, rather than waiting around until we have all the species in the park and then delineating their habitats in the contiguous area?

Dr. DAVISON. I would agree with that. I don't think we will ever be at a point where we will understand the habitat requirements for all the populations of species using a park.

I would say that the problem is not with defining which individual animals live inside or outside a park. The problem is to define, really delineate habitats of fish and wildlife populations that primarily depend on the park for their survival, to define and delineate those habitats in contiguous federally managed areas. That is quite a bit different and easier than pointing to a particular animal outside of a park and asking whether it primarily depends on the park for its survival.

Senator CHAFEE. The point Dr. Tate made. Yes, I agree with you that we can't identify each grizzly.

Dr. DAVISON. I think we have the knowledge to identify habitats of populations of at least some species and that we ought to begin.

Senator CHAFEE. All right, go ahead.

Dr. DAVISON. Our fourth point is that the National Park Service is ill prepared to handle the new responsibilities it would receive under this act. In 1980, in its "State of the Parks" report to the Congress, the Park Service pointed out several internal deficiencies that will impact on its ability to implement the Wildlife and Parks Act of 1984. One of the most serious deficiencies to us is the nearly complete lack of research and resource management capabilities within the Park Service. The report indicates that the Park Service has fewer than 100 scientists in natural science research, or only about 1.1 percent of the total Park Service staff; that fewer than 200 personnel in the Park Service have resource management training; and that many of those with such training are senior level park rangers and superintendents who devote relatively little time to resource management. Because of these deficiencies within the Park Service, the National Wildlife Federation recommends that the Fish and Wildlife Service, due to its greater expertise and, I think, greater familiarity with the type of role envisioned in this act, be given the principal responsibility for implementing this act.

Our fifth point is that there are a number of other provisions in the act that need to be clarified and modified to enable effective implementation of this legislation. The most important of these modifications is that the act must require consultation with the States. Formal communication with the States is especially important due to the shared jurisdiction between the Federal Government and the States over both resident and migratory fish and wildlife species on federally managed lands.

In conclusion, let me just say that I think the Wildlife and Parks Act needs some modification but that it has the potential to make tremendous strides toward a consistent Federal policy for fish and wildlife conservation. The National Wildlife Federation appreciates your efforts, Mr. Chairman, to get the Federal Government out of the business of underwriting the destruction of valuable fish and wildlife habitat.

There is only a final caveat I would offer: It is that regardless of whatever Federal lands are included under this act and whatever Federal agency is given the lead responsibility, Congress must be prepared to provide both personnel and funds to accomplish the task outlined. Thank you.

Senator CHAFEE. Thank you very much, Dr. Davison, and you, Mr. Bean. That is very helpful. We appreciate that, and we are going to need your continued support as we go along here. Thank you for appearing.

The next panel is Rosemarie Craven, Dr. Birdsall, and Mr. Stolte.

Did you submit testimony, Ms. Craven?

Ms. CRAVEN. Yes; I did.

Senator CHAFEE. All right. Why don't you proceed, Ms. Craven? Your testimony is going to go in the record, so you don't have to read it all.

STATEMENT OF MS. ROSEMARIE J. CRAVEN, WASHINGTON REPRESENTATIVE, NATIONAL INHOLDERS ASSOCIATION

Ms. CRAVEN. I would like to thank you for this opportunity to testify on the Wildlife and Parks Act. I am Rosemarie Craven,

Washington representative of the National Inholders Association. The National Inholders Association represents people who own land within or adjacent to Federal properties; Fish and Wildlife Service areas, Army Corps of Engineers, Bureau of Reclamation, national park and national forest areas. The Inholders Association testified in February 1982 before the House Interior and Insular Affairs Committee and Public Lands National Parks Subcommittee on the state of new parks.

The focus of those hearings were the 1980 state of the parks report prepared by the National Park Service and the threats to the parks. As a result of those hearings, the Parks Protection Act, H.R. 2379, was introduced in the House. The report is cited in the introductory statement for S. 978, noting the identified threats as demonstrating a need for protective legislation. Due to the emphasis on the "1980 State of the Parks" report, I believe that it is important to look at that report and its findings before moving on to a discussion of the specifics of this legislation.

I am going to summarize here. Of the 4,345 threats in the 320 units of the National Park Service, only 25 percent were documented. The report states, and I quote:

> Clearly, there are subjective judgments involved in any threat reporting and evaluation process.

Further, it states:

> The threats perception of parks personnel may not be the same from one park to the next, nor will the threats now perceived remain necessarily the same in the future. Perceptions by definition, reflect values, attitudes and judgments of those responding to the issues. Further examination of these issues may yield different responses as managers become better informed about the issues of concern.

I am concerned that we are moving forward with this legislation and the House legislation on perceived threats that are undocumented and that may, as the report itself states, change over time. But let us also look at the method for data collection. The data was collected via a survey questionnaire with a checklist of possible threats; suspected, known but undocumented, and documented. Each unit was responsible for responding. Yet of the entire park staff, only 1.1 percent are scientists. Fewer than 100 or less than 1 researcher for every 3 units, less than 200 NPS personnel have resource management training.

The point that I am attempting to make is that while on the surface the number of threats may seem to be overwhelming, when we review the criteria, documentation and methodology and level of expertise, the agency is simply not equipped to discern what problems truly exist or the level of the problem.

Now, obviously, there are some issues such as the grizzly bear issue that are important but should not be used to stampede Congress into a blanket, nondiscriminating solution.

There have been numerous pieces of legislation that have been mentioned before that already provide for the protection of wildlife. We do not believe that this amendment would provide significant enhancement to what is already established. I won't enumerate all of those, because they have been already.

One Executive order that I would like to mention, and I recognize that it has been changed somewhat is OMB Circular 95–A. It

directs the agencies to coordinate with local governments to avoid project conflicts, in addition to this and the previous mentioned legislation, remedies are available through the courts. We feel that there are already numerous remedies in place and that problems should be dealt with on a case-by-case basis.

In considering the legislation itself, there are some problems we would like to discuss. In 1916, the mission of the National Park Service was relatively simple. However, that has changed over the last 60 years with the addition of various national seashores, national recreation areas, national trails, the missions of each of those units are different. There is tailored legislation for each unit. In fact, in the national recreation areas, it is stated that recreation is a primary goal, secondary goals included protection of resources and historic scientific areas, et cetera. We are concerned that this legislation is placed as an overlay to carefully crafted legislation which protects the rights of individuals within areas and established specific goals. This legislation will place wildlife in a primary position. Problems of confused management goals within units of the Park Service are well-known, and GAO has commented on those in five separate reports.

In an article in the Audubon Society, it was noted that the diverse roles were inevitably taking a toll on the agency morale. We are concerned that this additional overlay will further blur the visions.

Senator CHAFEE. All right, Ms. Craven. I think your time is about running out. Do you want to summarize?

Ms. CRAVEN. I will summarize. There is a point I would like to cover: One, we do feel that this legislation will impact the inholder living within the area, even though the legislation establishing the unit may have been crafted to meet their needs. Additionally, privately owned land in contiguous areas we feel will be impacted because road and sewer funds that may rely on Federal moneys will be affected.

Senator CHAFEE. I just want to ask, on private lands, the inholders are clearly affected, is that right?

Ms. CRAVEN. Yes.

Senator CHAFEE. On the private lands outside the park, they are not affected, and I'm not clear how you——

Ms. CRAVEN. Well, as I read the amendment, it stated that any Federal funds, direct or indirect, in contiguous areas would be affected. They are Federal funds and Federal lands.

Senator CHAFEE. It is only on Federal lands, but let us make sure that that point is covered. I'm glad you raised or pointed that out. Thank you.

Ms. CRAVEN. I would like to read a statement briefly by the chief scientist of the National Park Service made in April 1984 addressing the National Park Advisory Board. He stated: "They," the NPS "have learned there were more perceived problems (threats) than real in the 1980 report." He went on to talk about the efforts and progress they have made toward mitigation. He stressed that there are problems, including a need for better coordination, but agreed that mitigation efforts really need to be targeted to specific problems rather than waving the generic wand in attempt to solve a lot of problems at once. We think this is an important consideration.

Senator CHAFEE. All right. Thank you.

Of course, I would argue that this isn't just a generic wand. I think that we do try to approach it on a case-by-case basis.

Dr. Birdsall.

STATEMENT OF DR. E.F. BIRDSALL, PUBLIC LANDS COORDINATOR, CONOCO, INC.

Dr. BIRDSALL. I am coordinator of public lands for Conoco in Denver, CO. I am a geophysist by training. I have been involved extensively in the search for oil and natural gas, both at home and abroad. I have prepared a statement for the record, but I will now summarize.

API respects and supports the National Park System concept, our members strongly support the need to preserve the priceless natural heritage embodied in our national parks and other park unit systems. We do not, however, believe that the National Wildlife and Parks Amendment is necessary to ensure the protection of the parks system's wildlife resources.

The amendment does not offer any protection for wildlife in or adjacent to the park system that is not already readily available under the Endangered Species Act of the Fish and Wildlife Coordination Act.

Senator CHAFEE. You just heard the testimony from Mr. Bean, I suppose?

Dr. BIRDSALL. I beg your pardon, sir?

Senator CHAFEE. Did you hear the testimony from Mr. Bean in which he said that the Fish and Wildlife Coordination Act is useless as regards these lands we are talking about? Do you disagree?

Dr. BIRDSALL. Bear in mind that my primary expertise is as a geophysist and an oil man. My understanding from API, whom I represent today, is that the Fish and Wildlife Coordination Act is an active useful act, and to that extent, API disagrees with that testimony.

Senator CHAFEE. Fine. Thank you. Go ahead.

Dr. BIRDSALL. Other Federal statutes, the National Environmental Policy Act, Clean Air Act, and Clean Water Act, plus a myriad of statutes now thoroughly protect wildlife and their essential habitat. Also, most Park System units have their own enabling legislation. These statutes protect wildlife, both in the parks and on the public lands contiguous to the congressionally fixed boundaries of the parks. Thus, contiguous Forest Service, State lands now available for multiple use such as timber harvesting, grazing, mineral exploration and production, and general recreation also are subject to those existing statutes. Any activity occurring on the adjacent lands must be performed within strict adherence to the requirements.

In the case of modern oil, gas exploration procedures, leases and permits for exploration, other activities are reviewed by the State and Federal wildlife authorities. These activities must conform to comprehensive land plans developed by the surface planning agencies. Those plans result from public participation processes, affording ample opportunity for comment by both citizens and neighboring Federal and State agencies. Various stipulations developed

from those plants are attached to avoid any perceived conflicts with wildlife welfare.

Exploration activities are prohibited during periods critical to the successful reproduction and protection of wildlife species such as, for example, elk calving.

Along with this extensive system of wildlife protection is the need to keep intact the long-established and proven concept of multiple use. The amendment jeopardizes this concept by establishing a vaguely defined new category of Federal land dubbed wildlife habitat resource areas. These would be areas of underminative size extending beyond park unit boundaries onto Federal lands which Congress has set aside for public use. In effect, the Congress has established buffer zones around the units and a de facto expansion of the park system that is likely to halt or delay exploration and timber harvest, grazing on adjacent Federal public lands.

In addition, the amendment shifts the burden of proof so that the Secretary must take beforehand that public uses outside the parks will have no effect on wildlife within the parks. Thus, nonwildlife uses are deemed guilty until proven innocent.

No new activities such as oil or gas leasing conducted or supported by Federal agencies can be commenced until the Secretary determines that such activity will not directly or indirectly harm park wildlife or habitats.

The vagueness of the wildlife habitat resource area concept and the additional requirements for public review and comment would invite agency delays and litigation. As a result, the courts will be forced to decide the future of many Federal actions on these contiguous economically related or federally managed areas.

Our Nation is now dependent on foreign sources for more than 31 percent of its petroleum requirements, which will be improving, not hindering opportunities to find, produce new domestic petroleum.

We estimate that more than half of the oil that will be produced domestically by the year 2000 has yet to be found. Much of that oil likely will come from now largely unexplored Federal lands in the Western States. This amendment or any like it that embraces the buffer zone concept and subordinates multiple uses to single uses will hinder efforts to find and produce new energy supplies.

We urge that additional hearings be held so that other affected interests which were not given the opportunity to testify today may be heard. Many of our member companies and allied petroleum trade organizations are most concerned about this and similar legislation. We believe your subcommittee would benefit from hearing their concerns.

Thank you.

Senator CHAFEE. Thank you very much, Dr. Birdsall.

I appreciate that.

STATEMENT OF DENNIS C. STOLTE, ASSISTANT DIRECTOR, NATIONAL AFFAIRS DIVISION, AMERICAN FARM BUREAU FEDERATION

Mr. STOLTE. Thank you, Mr. Chairman.

I am Dennis Stolte. My entire statement is very short. It should take less than 5 minutes. With your permission, I would like to read the entire statement.

Senator CHAFEE. We encourage short statements, so you may proceed.

Mr. STOLTE. Thank you, sir.

I am Dennis Stolte, I am a staff person for the national affairs division of the American Farm Bureau Federation. The Farm Bureau opposes the Chafee wildlife and parks amendments to S. 978. Several thousand members of our organization currently pay for the right to graze cattle and sheep on national forest lands and BLM land which adjoin national parks. This amendment would threaten grazing and other activities on Federal lands. The amendment could also have, we believe, an indirect effect on activities which take place on private lands near national parks such as irrigation and access.

In a moment, Mr. Chairman, I will address an incident where we do believe this act could affect State private land.

Under section 604 of the amendment, new expenditures or grazing would be prohibited if such expenditures would have a detrimental effect on native fish and wildlife species. This means that improvement such as fencing, water distribution facilities for irrigation, livestock watering facilities, and forage improvements on BLM and Forest Service land adjacent to national parks could not be made if those improvements resulted in conflicts between livestock and wildlife. And since livestock and wildlife naturally compete for some of the same resources, such as water and forage, section 604 raises serious questions about the future of livestock grazing activities adjacent to national parks.

We are also concerned that the amendment could affect activities on private lands near national parks, although proponents of the amendment insist that private land would not be effected. Easements for rights-of-way for utility lines, access roads, and irrigation ditches are often arranged through cooperative agreements between the public land supervisors and private landowners.

Mr. Chairman, this is because the boundaries between public and private land are often irregular. Sometimes they are actually checkerboardered. Therefore, these easements facilitate cooperative agreements between private land owner and public managers. These amendments could prohibit an easement through Federal lands if the easement had a detrimental effect on wildlife in adjacent national parks. It therefore is inaccurate to say that the amendment would not affect activities on private lands when an individual's ability to irrigate his land or to gain access to his property could be prohibited by the amendment.

Farm Bureau supports the multiple-use concept for management of our Nation's public lands. Public lands can be managed to accommodate many uses, including grazing, timber, mineral exploration, recreation, and wildlife. By placing additional restrictions on activities outside national parks boundaries, this amendment redefines the boundaries of our national parks and interferes with the management of adjoining lands for other uses.

Thank you very much for the opportunity to express our concerns.

Senator CHAFEE. Well, thank you very much, Mr. Stolte. Let's take the situation where we do have a clear-cut case of grazing interfering with the habitat of the park wildlife on, let's say, BLM land. Who do you think should prevail?

Mr. STOLTE. I think, given the various references by the chairman and other people during this hearing to the precedence given to grazing on public lands, I think it is important to note that our members don't feel that that precedence exists now. They feel that they are fighting a war on our public lands, especially in the Western States, to keep their livestock on those lands, and they feel like they are losing. The evidence indicates that they are, indeed.

For instance, since 1960, in Utah, BLM grazing permits have been reduced 51 percent, I believe.

So the argument that livestock is being given an unfair advantage in this decision, I think, needs some more looking into.

Senator CHAFEE. I don't know. It may well be that they have been reduced in Utah because grazing has just raised cain with the soil and the growth there that it just can't sustain it. I don't know the circumstances of that.

Let me just ask you this: Don't you think that in many situations we could work out a compromise where the conflict between grazing and wildlife could be resolved?

Mr. STOLTE. Yes. I think that is very possible, and I think in some places, wildlife and livestock uses can complement each other. I know cattle and elk do compete for some of the same resources, some of the same forage, but deer and cattle, for instance, do not. Generally, they browse on different vegetation in the same area. And they are compatible uses and in some ways can complement each other.

Senator CHAFEE. Thank you very much for testifying, Mr. Stolte. We appreciate it. I want to thank you, Dr. Birdsall, and Ms. Craven.

The next panel, Mr. Shands and Mr. Doig. Are we missing somebody?

Mr. SHANDS. I am Mr. Shands.

Senator CHAFEE. All right, Mr. Shands. Why don't you proceed?

STATEMENT OF WILLIAM E. SHANDS, SENIOR ASSOCIATE, THE CONSERVATION FOUNDATION

Mr. SHANDS. Thank you, Mr. Chairman. The hour is late, and I will go very quickly through my testimony. You have a copy of it, I believe.

My name is William Shands. I am a senior associate with the Conservation Foundation, a 34-year-old, nonprofit, nonmembership research organization. The foundation has had a longstanding interest in the national parks. We are now in the final stages of a 3-year study of the National Park System which will be published this fall: "National Parks For a New Generation: Visions, Realities, Prospects." My testimony today draws on research on the National Park System by a seven-member team from the foundation.

First of all, I would like to commend you, Mr. Chairman, for introducing this legislation and for convening this hearing. We think this legislation is needed, and that it is a good approach to solving

some serious problems affecting the National Park System. Because of the vulnerability of some animals inside the parks to ecological disturbances outside the parks, this legislation is an important step in dealing with problems originating beyond the parks' boundaries. Today, I will limit my comments to wildlife and fish, since this is the purview of the committee and the focus of this legislation. It should be kept in mind, however, that other natural resources and significant cultural resources of the parks also are being damaged by the activities of their neighbors.

The Wildlife and the Parks Act is modeled after the Coastal Barrier Resources Act of 1982, which you sponsored. The foundation believes that that act, in removing Federal incentives and subsidies for development, provides a strong measure of protection for those undeveloped coastal areas of high ecological, scenic, and recreational value. We believe the Coastal Barriers Act could serve as a model for legislation to provide similar protection for other ecologically sensitive areas, including national parks.

However, if this model is to be successfully applied to other types of lands and waters, it must be carefully drafted to deal with particular resources and values of the land and waters to be protected and the nature and degree of the problems. Our comments are offered in the spirit of a constructive contribution to perfecting the protective approach embodied in that legislation as it might be applied to the national parks.

The foundation has several suggestions, Mr. Chairman, dealing with technical aspects of the legislation. I won't go into those in detail but they relate to the definition of native wildlife species and standards and criteria for wildlife resource habitat areas which are to be identified under the provisions of the bill. I think our testimony is fairly clear on these topics. We do suggest that the bill be looked at by some wildlife biologists and ecologists and others with a good technical eye to smoothing out some of the questions which we raise in our testimony.

I would like to mention a couple of the other points that we want to make, particularly about interagency review and consultation. The foundation does believe, as it is the intent of this legislation, that the Park Service should be given additional leverage, when activities might affect significant park resources, to require other Federal agencies do more than just allow consultation, as provided by NEPA and some of the other Federal statutes which have been mentioned here today.

We believe, however, that an either/or situation, in which either the Park Service or the other agency has the final say over what was to take place, is not wise policy. What is required is a process which assures that the Park Service's views will be heard and which encourages negotiation and agreement. Our testimony sets out objectives for a negotiating process based on the Endangered Species Act. This is technical, and time does not permit me to go through the process in detail. However, the process itself is not cumbersome; we believe it is feasible and would encourage negotiation and compromise at lower levels by the Park Service and the other Federal agency involved.

We also believe that there is a need to combine a negotiating process of this kind with the planning processes of both the Forest

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Service and the BLM. Again, we think this is feasible, because both of those agencies operating under statutes which require consultation and coordination of their activities with those of other Federal agencies.

I also would like to emphasize the need for the biannual report to Congress on the state of the parks. As was pointed out by an earlier witness, the Park Service did release a report on the state of the parks in 1980. This was followed by a mitigation plan. But the Service has never prepared further reports to inform the public or the Congress—or even themselves—just what progress has been made, what problems have occurred since that 1980 report, and what needs to be done. The conservation foundation believes the biannual reports could be a useful management tool. It also would help the Congress fulfill its responsibilities. The Conservation Foundation believes it very important that the Park Service be required to prepare these periodic reports and our testimony sets out a series of things that we believe such reports should contain. I think it follows fairly closely the provisions of your legislation, but we think there is a need to add a couple of requirements that would close the feedback loop.

Several other witnesses today have commented on the Park Service's capability to fulfill the requirements of this legislation. This is a serious question. Congress should understand that concern about the Park Service's science capability is not an argument for abandoning this legislation, but is instead an argument for increasing the capability of the Park Service to deal scientifically with resources management challenges in the parks.

We have information, for example, that as of January of this year, based on Park Service data, the Service had just nine persons classified as wildlife biologists distributed among 6 of the 10 Park Service regions. There are nine fishery biologists distributed among the five regions. There were a total of 25 ecologists spread among four regions, the Denver service center and the Washington office. These are the specialists who presumably would have the primary responsibility for implementing the provisions of the act. There are an additional 133 personnel in the general biological science category who might also contribute. This means that the Park Service has less than 200 personnel, out of a total of more than 16,000 fulltime employees, in the primary disciplines dealing with wildlife and fish biology and the biological sciences.

Further, it is not clear from the data whether these people even work fulltime in their speciality. I wanted to emphasize these figures so as to call clearly to the attention of the Congress the needs of the Service for technical scientific expertise to deal with these very serious wildlife problems. I would be happy to answer any questions that you might have.

Senator CHAFEE. Thank you.

I take it that you don't agree with the statement by the chief scientist for the National Park Service in which he was said to have said that that the 1980 report was a disaster and an embarrassment?

Mr. SHANDS. I do not think it was a disaster or embarrassing to the Service. Those of us who have analyzed the report recognize it had weaknesses, but it was based on the best information that one

could gather at the time. That it represented the informed opinions of people working in the field is cause to consider it seriously, even if it did not have the full scientific documentation one might wish. Further, those parks reporting the greater number of threats were those with scientists on their staffs.

Senator CHAFEE. What about the difficulty in establishing these wildlife habitat resource areas that you mentioned?

Mr. SHANDS. I think that is going to be a serious challenge, Mr. Chairman. I think your idea of starting slowly, is a good one. We suggest in our testimony that Congress establish guidelines to be used to identify ecological units to be designated wildlife resource habitat areas based on scientific knowledge of the animals that inhabit them and their migratory patterns. Certainly, it is going to be very difficult for the Park Service to quickly identify a large number of these areas. However, the Service possesses basic knowledge about some animals in its charge, and I am confident that they can, for the animals that are in the most serious difficulty, make a start at delineating their critical habitats.

Senator CHAFEE. You pointed out that the lack of expertise, you felt, existed amongst the Park personnel just because of lack of numbers of trained biologists and wildlife experts. I wasn't quite sure what your conclusion was: That we hire outside help or that Fish and Wildlife do it? What was that?

Mr. SHANDS. My point is, that the Park Service itself needs more in-house expertise; that it now has a relatively small number of specialties in these scientific fields. I would have to stress that the numbers I cited are by people whose job classifications are in those fields. There are many people in the Park Service who have biological sciences backgrounds, BA's [bachelor of science degrees] and what-have-you, who are in the 025 ranger series, and 026 park technician categories. I was referring to personnel who, have job classifications specifically in wildlife biology and ecology; they are the specialists in these scientific disciplines. That is why I was careful to say that they would bear primary responsibility for the implementation of this act.

Senator CHAFEE. Finally, about the contiguous areas, we have had a lot of discussion here that it might apply to private lands and that we do not believe it does, but we will make certain it doesn't. As you know, it does provide for a study of cut-off of public funds for contiguous private lands.

What do you think about that?

Mr. SHANDS. First, I agree that the funding cut-off provisions do not apply to private lands. That the legislation explicitly requires the Park Service to study the extent to which problems arise on private lands makes this clear. However, in the case of some parks, the problems arising from activities subsidized or permitted by the Federal Government on adjacent or nearly private lands are serious and must be addressed. It seems to us that there is going to have to be some consensus reached on policy to deal with those situtations. It is very serious. Take the Eastern United States. I would just observe——

Senator CHAFEE. For example Everglades. That is all private land.

Mr. SHANDS. All the land around the Everglades National Park is private or owned by non-Federal agencies. The bill's provisions dealing with activities on Federal lands will benefit only some large national parks in the West. They certainly are among those of the highest value and I don't think anybody would contend that we shouldn't do something about Yellowstone. However, there are many parts in the East which will not benefit unless you begin to get into those private lands questions.

Senator CHAFEE. That is a good point. Thank you very much, Mr. Shands.

Mr. Doig.

STATEMENT OF HERBERT E. DOIG, CHAIRMAN, LEGISLATIVE COMMITTEE, INTERNATIONAL ASSOCIATION OF FISH & WILDLIFE AGENCIES

Mr. DOIG. Thank you, Mr. Chairman.

My name is Herbert E. Doig, and I am the assistant commissioner for fish, wildlife, and marine resources for the New York State Department of Environmental Conservation. I also serve the International Association of Fish & Wildlife Agencies as its legislative committee chairman and am here today in that capacity.

Collectively, the State and Federal agencies have a shared responsibility for the management of fish and wildlife resources. A fundamental and basic concern of these agencies is the protection of fish and wildlife habitat. Habitat modification, degradation, and loss is a survival issue and is critical to effective management of fish and wildlife resources. As you might expect, the shared responsibility for managing fish and wildlife resources on various classes of land poses complex jurisdictional questions.

For the moment, Mr. Chairman, we will limit our testimony to simply commenting on the major features of the legislation which cause us concern and later submit a more detailed analysis of the proposal for the record.

First, the bill places agencies of the Federal Government in the position of making management decisions with respect to fish and wildlife resources which are the management responsibility of the State agencies. And, since a portion of the measure relates to Federal lands adjacent to park boundaries, it also raises jurisdictional questions between Federal agencies. The proposal also places the Park Service in the position of making management decisions on many types of activities on private lands which are adjacent to parks and where Federal money is being spent.

Senator CHAFEE. Let's get that straight once and for all. That bugaboo keeps coming up. You have been here most of the morning, I suspect, Mr. Doig.

Mr. DOIG. That is right.

Senator CHAFEE. We saw it doesn't; Mr. Shands says it doesn't; Mr. Bean says it doesn't. I don't know what else we can say, but let me say that it is not the intent to deal with activities on private lands adjacent to parks where Federal money is being spent.

Mr. DOIG. I guess it is important, Mr. Chairman, to make that clear in the legislation, because our reading of the legislation does not make that clear at the present time.

Senator CHAFEE. OK, let's accept that as one of the ground rules. Indeed, we have a study to determine whether they should be included in the future. But as of now, if we didn't make it clear, we will make it clearer. Thank you.

Mr. DOIG. Federal management programs have frequently exhibited characteristics that have made them less effective than those carried out by the States. Preemption of State prerogatives therefore may in actuality make it more difficult to respond to the needs of fish and wildlife resources than those currently in place. It would seem more appropriate to build upon current capabilities and cooperative mechanisms between the States and the Federal agencies rather than superimpose a new management system upon them.

Existing Pittman-Robertson and Dingell-Johnson projects are not exempt from the provisions of the proposal. These projects, many of which are designed to address problems associated with species and populations that inhabit lands that are contiguous with National Park Service units and national wildlife refuges, could be subjected to extensive and time consuming measures to satisfy the no detriment and consistency determinations required by the act.

Senator CHAFEE. We do specifically exempt, as you know, in the bill, wildlife conservation measures which would include the Pittman-Robertson and the Dingell-Johnson projects.

Mr. DOIG. We feel that if that is the intent of the legislation, it would be good to spell out specifically those two acts.

Senator CHAFEE. All right. Thank you.

Why don't you go ahead?

Mr. DOIG. The management policies of State and Federal agencies frequently differ with regard to land and resource uses that impact fish and wildlife. While such variability is understandable and in some cases appropriate recognizing the nature of the management objectives of the agency with jurisdiction, the restrictive policies of the National Park Service toward recreational hunting and fishing is inconsistent with the management programs of the States and other Federal agencies. This conflict, if applied to contiguous designated areas as a matter of policy, could result in major jurisdictional disputes and have detrimental affects on the resources the act is intending to benefit.

It is difficult, if not impossible to tie the proposal exclusively to habitat without identifying the management objectives in terms of fish and wildlife species.

Subjective judgment of optimum population levels of individual species would create inconsistencies in the integrated management of wildlife populations both within and outside the park unit boundaries. Resolution of these kinds of resource conflicts can best be accomplished through cooperative State/Federal actions rather than through assignment of jurisdictional responsibility to the Park Service.

Mr. Chairman, as stated, we consider the maintenance of habitat to be a survival issue, and we are quick to acknowledge that some activities adjacent to park lands are often of concern: Overgrazing, timber and agricultural practices, and so on. Nevertheless, we believe that there are sufficient mechanisms now in place, sufficient legislative and coordinating authorities to resolve these without

placing the Park Service in an untenable position with respect to its own constituents and also, its relationship with other agencies having principal responsibility for the fish and wildlife beneficiaries of the proposed amendment. It is, therefore, with regret that we advise that this Association must oppose the proposal in its present form and offer our assistance in any way to modify the proposal to make it acceptable to us.

Since there are jurisdiction and territorial issues raised by the testimony, we have with us today, Paul Lennzinmy, counsel to the international association, who is willing to share his interpretations of some of the meaning if you so desire. Thank you for giving us the opportunity to explain our views.

Senator CHAFEE. Thank you, Mr. Doig.

The last thing I want to do is get into tangling with the International Association of Fish & Wildlife Agencies. I thought we had avoided that, but not completely, I guess. You say in your statement that one of your basic concerns is the preservation of wildlife habitat. That is what I thought this bill was all about. We don't intend to bring in hunting activities; nor do we intend to preempt wildlife conservation programs such as Dingell-Johnson and Pittman-Robertson. With assurances that we are not upsetting hunting activities, and we are not upsetting the wildlife conservation programs, not upsetting the Dingell-Johnson and the Pittman-Robertson, and that we are not trying to upset the delicate relationship between the Federal agencies and the State wildlife agencies, could you support the bill?

Mr. DOIG. We have a major concern with the vagueness and the terms of no detriment and consistency determinations. We feel that with those terminologies used the way they are, the issues that could be raised as legal issues could place management responsibilities and management programs into the courts for interpretation and there could be lengthy legal battles to determine what these mean.

If those issues could be addressed in a specific way, our concerns would be greatly diminished.

Senator CHAFEE. OK. Now, what are we going to do here? Let's say that within the parks the Park Service has its way, but there is this valuable habitat which we are all interested in outside the parks and on Federal lands, and the Federal Government is engaged in activities that are deleterious to those wildlife habitat lands. What do we do? What would you propose?

Mr. DOIG. I think it is important as a first step to determine what the issues are, and I think your proposal is very valuable in its effort to identify what the real problems are. Then get the parties of direct concern together and work out strategies to deal with those issues. In some cases, it is a matter of changing existing policy that currently applies to management of those Federal lands. In some cases, it is a matter of having State and Federal agencies working together to develop alternative policies.

Senator CHAFEE. I'm not sure how a Federal agency would get into such a situation. Let's take the case we have talked about before: We have a national park and contiguous to it is BLM land, and there is habitat in just a section of that BLM land that is essential for elk grazing. Yet we have forces in BLM that are provid-

ing, through Federal funds, for destruction of that habitat. Obviously, the States aren't involved at all there, are they?

Mr. DOIG. They are to the degree that they are responsible for the resources on those lands.

Senator CHAFEE. On the BLM lands?

Mr. DOIG. Yes; the States have jurisdictional responsibilities for fish and resident wildlife. They have that responsibility by law. Therefore, they have concern for the habitats that those species occupy. We feel that you cannot separate species management considerations from the habitat considerations. If you take the habitat considerations alone, then you only are dealing with part of the problem.

So we feel there must be an integrated approach that takes into consideration the use of species as well as individual species' needs with regard to habitat. We feel that there has to be communication and working together of the State and Federal agencies dealing with these particular problems if they are to be satisfactorily solved.

Senator CHAFEE. I would agree with you. But the habitat is an important part of it. To date, it doesn't work out, because you don't have control over the habitat, or the States don't. The Federal Government does, and we are not going to have the wildlife to manage unless we have the habitat. You would agree with that, wouldn't you?

Mr. DOIG. Yes; I do.

Senator CHAFEE. And so something has got to be done to preserve this habitat, in my judgment.

Mr. DOIG. I agree with you, and one of the more important aspects of that, I think, was discussed earlier today. That is, what is the priority of wildlife? If we make a determination that wildlife are an important priority on these lands, that is a priority to exceed some of the other uses that these lands have been put to, then that would go a long way toward helping resolve the issues that are preventing accomplishment of those wildlife management objectives.

Senator CHAFEE. Yes, but absent this legislation, we are not going to have that, or some legislation like that.

Mr. DOIG. If this legislation goes to that point, I think we will accomplish a great deal.

Senator CHAFEE. And would have your support?

Mr. DOIG. Yes; as long as we can resolve some of the things we have discussed.

Senator CHAFEE. OK; fine. Thank you all for appearing today. We appreciate it.

That concludes the hearing.

[Whereupon, at 12:10 p.m., the subcommittee meeting was adjourned, subject to the call of the Chair.]

[Statements submitted for the record and amendment No. 2807 follow:]

THE WILDERNESS SOCIETY

FOUNDED IN 1935

STATEMENT OF GAYLORD NELSON, CHAIRMAN, THE WILDERNESS SOCIETY, REGARDING THE "WILDLIFE AND THE PARKS" AMENDMENT, BEFORE THE SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, U.S. SENATE, JUNE 27, 1984.

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to testify on the "Wildlife And The Parks" amendment recently introduced by Chairman Chafee.

I am Gaylord Nelson, Chairman of The Wilderness Society, a national conservation organization of approximately 100,000 members, and founded almost a half century ago for the purpose of helping to protect and preserve the wild lands of America.

A most important and challenging aspect of leadership is to gain the perception and to have the will to make hard and forceful decisions today so as to assure the retention of a high quality environment and the opportunity for a high quality of life for the future generations of unborn Americans who have no voice today, but will have to live tomorrow in an environment shaped by the decisions we make today. The matter we address today in this hearing represents precisely that kind of an opportunity.

Mr. Chairman, I want to commend you for your leadership in introducing the "Wildlife And The Parks" amendment. As you know, this issue of threats to the parks has been before the Senate for two Congresses now in the form of the House passed Park Protection Act (HR 2379), and has received no action whatever. Meanwhile, the conditions which call for this type of legislation con-

tinue to worsen. If the general public knew more accurately what is at stake here I have no doubt we would see overwhelming public support for congressional action to address the problem.

One of the unique contributions America has made to the world is the idea of national parks. The national park idea was born in America over a century ago -- in 1872, Yellowstone National Park was carved out of the public domain. It was so special a place that it was set aside to be protected for all time in essentially its natural state, so that future generations could experience the awe of its grandeur and its superlative natural wonders. No place else on earth compares with the ecosystem of the Yellowstone, with its geysers and other geothermal features, with its waterfalls, streams, wildlife, lakes and forests, and spectacular scenic views. Yellowstone was the beginning of an American national park system now containing 334 individual units and embracing some of the most superlative and special of America's natural and historical treasures--its national heritage. But more than that, the park idea has spread around the world; more than 124 nations now have their own national park systems, emulating the one that started here. This is an idea of which America can be eternally proud.

However, the integrity of our national park system is seriously threatened as are many of the other national parks of the world, for much of the same reason. Our parks are being degraded and compromised by the pressure of development on private and public lands abutting the parks as well as by excessive pressures on the resource base by human activities within the parks. Much of this destructive internal pressure could be relieved by better park management. Units of our national park system, be they representative principally of either natural or historic resources, were set aside to preserve and represent major examples of primitive or earlier America. By definition, they are intended to

preserve either a dynamic natural ecosystem or a historic remnant or scene as it existed from an earlier point in time, and free from the influences of a modernizing civilization. They are meant to basically stand still in time, yet the rest of the environment all around them is being increasingly subjected to modification and development at an increasingly rapid pace. The influences of change, as they intensify nearby, do not necessarily stop at mere lines on a map--the park's boundary--just because the management objectives on the other side of that line may be different.

The point here is not to say that things are proper on one side of the line and improper on the other. Activities on both sides of the line may be entirely proper, but they also may be entirely incompatible and conflicting with each other. When this occurs, something must be done if we are to protect and preserve the park system as we know it.

There is no doubt that the most serious single problem confronting the national park system is the rapidly increasing and destructive pressures upon basic park resources. These threats have come to be so pervasive for nearly all parks of the system that it is of vital importance that we fully and accurately recognize the matter for what it is, lest we deceive ourselves over its seriousness and significantly undershoot in our efforts to resolve it.

The issue of threats to the parks finally gained nationwide visibility as an outfall of the May 1980 "State of The Parks" report submitted to Congress by the National Park Service at the earlier request of the House Interior Committee. That report represents a landmark survey effort, and its findings and conclusions are very disturbing. The bill passed by the House in each of the last two Congresses (most recently H.R. 2379) is designed to address many of the problems highlighted by that report.

Following receipt of the 1980 State of the Parks report, the House Interior Committee requested the Park Service to prepare a Prevention and Mitigation Report which would represent an action program designed to embrace solutions to the threats identified in the State of the Parks report. Such a report was prepared and submitted by the Park Service to the Committee in January of 1981.

It is clear from the record of the past three and one half years that the Park Service does not have a comprehensive plan to address these serious threats to the park system spelled out in the 1980 State of the Parks Report, nor does it appear that it intends to implement the plans and programs outlined in its own 96 page Prevention and Mitigation report submitted to Congress in January 1981 by Park Service Director Russell Dickenson.

The conclusions of the Executive Summary of the State of the Parks Report to Congress summarizes as follows the steps necessary to be taken if we are to protect the integrity of the system:

> The units of the National Park Service represent all of the major categories of ecosystems within which we live. These parks, individually and collectively, constitute the best of our natural and cultural resources. The lessons that we learn and the progress that we make in our attempts to better manage and protect these resources are of benefit to us all.
> The results of this study indicate that no parks of the System are immune to external and internal threats, and that these threats are causing significant and demonstrable damage. <u>There is no question but that these threats will continue to degrade and destroy irreplaceable park resources until such time as mitigation measures are implemented</u>. In many cases, this degradation or loss of resources is irreversible. It represents a sacrifice by a public that, for the most part, is unaware that such a price is being paid.
>
> The diversity and complexity of the problems, identified in this report serve to emphasize the <u>need for an expanded program to protect and preserve the resources of the parks</u>. To develop and implement such a program requires that the National Park Service know what natural

and cultural resources exist in each park, establish the condition of these resources, and determine how and to what extent these resources are threatened. Essentially we must do the following:

* We must prepare a comprehensive inventory of the important natural and cultural resources of each park and develop a plan at the park level for managing these resources.

* We must establish accurate baseline data on park resources and conduct comprehensive monitoring programs designed to detect and measure changes both in these resources and in the ecosystem environments within which they exist.

* We must pay additional attention to those threats which are associated with sources and activities located external to the parks. These threats today pose unique problems because of the Service's limited ability to deal directly and effectively with such outside influences.

* We must improve our capability to better quantify and document the impacts of various threats, particularly those which are believed to most seriously affect important park resources and park values.

To accomplish these objectives will require that the Service significantly expand its research and resource management capabilities. At the present time, the natural science research program of the National Park Service is base funded at a level of only nine million dollars and is staffed by fewer than 100 scientists; this is an average of less than one researcher for each three units of the System and represents only 1.1 percent of the total Park Service staff. Similarly, there are fewer than 200 personnel in the Service who have resource management training; many of these personnel are senior level Park Rangers and Park Supertinendents who are able to devote only a small portion of their time to resource management problems.

The staff and the funding resources currently available within the research and the resource management areas clearly are inadequate to respond to the needs of the Service. Internal actions are being taken to strengthen existing research and resource management programs. However, it must be emphasized that a continuing and expanded commitment is required to address the wide range of issues defined by the threats survey, and that the support of the Congress will be needed to deal with these important problems.

A final comment. The enabling legislation establishing the Park Service and its individual park units clearly mandates, as the primary objective, the protection, preservation and conservation of park resources, in perpetuity for the use and enjoyment of future generations. The National Park Service recognizes that changes in priorities and re-

allocation of resources will be required to meet this mandate and is committed to such changes.

The Park Service has initiated one first step toward threats identification -- the preparation of resources management plans for most parks. Information related to threats and resources problems should be drawn from these documents, assembled and analyzed systemwide, and made publicly available, at least in summary fashion. Without this latter step, there is no way to know what is really going on or emerging systemwide in terms of resource threats affecting the parks.

The Interior Department has repeatedly taken very negative positions respecting virtually all components of the House bills during the last two Congresses. While the natural and cultural resource fabric, which constitutes the very reason for the parks being created in the first place continues to deteriorate, the Department has turned away from this serious problem and instead has advocated and essentially carried forth the expenditure of nearly a billion dollars to fix up comfort stations, roads and other forms of development representing man's artificial facilities provided within the parks. This facilities restoration effort is referred to as the "Park Restoration and Improvement Program" (PRIP). While some of the latter years PRIP money has been devoted to natural resources protection, that is only because the Congress, on its own initiative, appropriated extra money to be so devoted, and the Administration then later incorporated that funding into the PRIP budget so as to be able to say that PRIP is devoted as well to natural resources protection.

A thorough and comprehensive addressing of the threats problems should not demand major new funding increases. While some new funding is needed for additional research, monitoring and data gathering, some of the most

significant solutions could come through mere policy changes and shifts in priorities and management emphasis.

The National Park Service has strongly attacked those provisions of the House bill which direct the Service to implement various management actions internally within park boundaries, because the Service claims those provisions add little new authority beyond that already available. If such authority is already available however, the Service has failed to take significant action on these matters, based on that already existing authority which they claim they have.

One of the most urgently needed actions is to accurately identify the various actual and emerging threats to park resources for all parks, to monitor those threats through time to assess their directional trends and changes in magnitude, and to identify courses of preventive and mitigative actions. This is the idea to be embraced in proposed periodic State of The Parks reports--reports which would provide systemwide documentation and opportunity for trend analysis of the threats problems, and make this information available to the public and the Congress. The Park Service steadfastly refuses to prepare such a report, yet unless there is some mechanism of this type developed, there is no way that the public, the Congress, or even the National Park Service itself will ever know what is really going on nationwide in and around all the parks.

In summary, the Department of the Interior has continued to oppose legislation designed to assist protecting the parks from both internal and external source threats. Yet the Park Service appears to have insufficient legal powers to influence much of anything emanating from outside park boundaries, and appears to be doing very little to effectively conquer internal

source problems as well. Legislation is urgently needed to both help and direct the Service to protect the parks more adequately.

Mr. Chairman, the pending "Wildlife And The Parks" amendment language constitutes an important major step in the right direction. It appears to follow the central policy thrust of the recent Coastal Barrier Islands legislation, which you so ably championed. The principal theme is one of Federal consistency; that is, the right hand of the Federal government outside the parks should not be working at cross purposes with the left hand of the Federal government inside the parks, in terms of wildlife protection and wildlife habitat protection. The amendment should add measurable protection for fish and wildlife resources of the parks which might be threatened by Federally assisted actions inside park boundaries and by similar actions on Federally managed lands outside of park boundaries.

The greatest deficiency of the amendment is one which I am certain you well recognize, and that is that it is not nearly broad enough in the scope of its coverage, inasmuch as it addresses only fish and wildlife resources. There remains a great void in the protection from direct threats to geothermal, land, water, vegetation and historic resources. Obviously, inclusion of that type of coverage would likely influence the Committee jurisdictional referral, and move the issue again into the same Committee jurisdiction which has initiated no action on this matter in the past. Nevertheless, ultimately a complete and thorough legislative addressing of the threats issue requires this broadened scope of coverage.

I note that Section 607(b) of the amendment contains provisions designed to cause the National Park Service to periodically report to Congress regarding threats to fish and wildlife resources, along with actions planned to deal with such threats. I think this is a good feature, and it should be very

significantly expanded to assure that a very thorough and professional documentation and assessment program is instituted and reported on to the Congress. I would add that if it were possible to expand this section of the amendment even further to include provisions affecting actions internal to park boundaries similar to those found in H.R. 2379, that would be a very worthwhile addition.

Mr. Chairman, there are a number of minor technical suggestions we would like to offer to improve the text of the amendment, which our staff would be happy to make available to you or your staff separate from this testimony.

Again, let me congratulate you on taking the leadership in the Senate to address this critically important issue of the threats to the integrity of the natural and cultural resources of our national park system.

We must find a way to move some broad scope legislation on this issue out of the Senate. Your legislation appears to be the first potentially viable step toward accomplishing that goal, and I commend you for advancing it.

STATEMENT OF PAUL C. PRITCHARD
NATIONAL PARKS AND CONSERVATION ASSOCIATION

BEFORE THE
SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION
U.S. SENATE

ON THE
WILDLIFE AND THE PARKS AMENDMENT TO S. 978

June 27, 1984

Mr. Chairman and other distinguished members of the Subcommittee:

I am Paul C. Pritchard, President of the National Parks and Conservation Association which for sixty-five years has been a defender and advocate of the National Park System's natural and cultural resources. We appreciate the opportunity to address the Subcommittee today on a subject that for several years has been of considerable concern to us, the increasing number of threats to park wildlife due to activities and programs of federal agencies.

We sincerely welcome your leadership, Mr. Chairman, in having introduced the Wildlife and the Parks amendment to the Protect Our Wetlands and Duck Resources legislation, S. 978. If enacted, this legislation will provide measures that will greatly enhance the preservation of habitat vital to park wildlife.

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We would like to note that this amendment does not represent the first time that Congress has felt the need to act to protect park wildlife from specific threats. In 1894, Congress enacted another Wildlife and the Parks Act to halt the slaughter by hunters of wildlife in Yellowstone National Park. Your amendment, however, addresses a far-reaching and more insidious type of devastation facing park wildlife, that is the loss of important habitat areas and the breakdown of significant ecosystems upon which park species depend.

The role that national parks serve in preserving this nation's wildlife heritage is clear. When Congress established the National Park System in 1916, one of the system's principle purposes was "to conserve the wildlife therein" for the enjoyment of present and future generations of Americans.

Today, the mere existence of certain wildlife species such as the wolf and the grizzly in the lower 48 states can be directly attributed to the presence of national parks.

Unfortunately, we must agree with the findings stated in your amendment, Mr. Chairman, that despite the protective mandate set for the park system, the native fish and wildlife that are primarily found within the various units of the National Park System are being threatened or degraded oftentimes by activities supported or encouraged with Federal financing or financial assistance.

In earlier decades when the large primeval national parks were established, they were surrounded by large blocks of undisturbed

Federal lands. There was, consequently, little thought given to the inclusion of complete ecosystems, nor even the summer and winter ranges of major species, within the authorized boundary of the national parks.

These adjacent Federal lands often served as convenient buffers between the parks and civilization. The American public, therefore, was lulled into believing that the boundaries and authorities of the national parks were adequate to protect the outstanding resources within.

As the Nation's population has grown, the public lands adjacent to the parks have become increasingly subject to a wide variety of uses including timber-harvesting, oil and gas extraction, strip-mining, geothermal development, grazing and water and recreation development. Needless to say, the cushion these lands once provided the parks from civilization is rapidly disappearing and our national parks are now becoming embattled islands in a sea of development and change.

More than any other type of park resources, wildlife is suffering from the activities that are occurring on these adjacent Federal lands. The reason is simple--wildlife does not recognize boundaries contrived by man and often depends upon habitat found on lands adjacent to national parks for survival.

The variety and extent of the threats facing national park wildlife from adjacent Federal land activities was most dramatically revealed in 1980 when the National Park Service concluded a

first-ever systemwide survey of the threats facing the natural and cultural resources of the parks. This study was directly related to and revealed threats virtually identical to an earlier survey conducted by my organization in late 1978.

Although the "State of the Parks" report was not as complete or precise as it could have been because of time constraints placed on its preparation, it did provide a good overview of the condition of park resources, including wildlife. According to the report, mammal, plant and freshwater resources were threatened in more than 40 percent of park system areas and more than 50 percent of the reported threats were attributed to sources or activities located external to the parks.

Mr. Chairman, let me briefly list a number of current park threats where the actions of other Federal agencies on adjacent lands are seriously threatening park resources.

---Yellowstone National Park: geothermal development, oil and gas leasing and ski resort development on forest system lands surrounding the park are destroying habitat vital to the survival of Yellowstone grizzly bear populations--one of three recoverable populations of this species in the lower 48 states.

---Glacier National Park: timber harvesting, road construction and oil and gas leasing on forest system lands adjacent to the park are degrading grizzly bear migration corridors, elk calving grounds and spring feeding grounds for moose populations which mainly dwell within the national park.

---Dinosaur National Monument: Mormon cricket control programs conducted by the Bureau of Land Management and the Animal and Plant Health Inspection Service on lands adjacent to the park may interfere with the breeding success of the park's peregrine populations.

More insidious, however, are those Federal agency actions or programs which degrade park wildlife habitat within park boundaries. The most obvious example of such degradation is the decimation of wildlife range in several national parks by cattle-grazing ineffectively managed by the Bureau of Land Management (BLM). Other examples include the degradation of park air and water conditions as the result of federally funded or licensed projects.

Despite its preservation mandate, the National Park Service has yet to propose any solutions for these types of threats stemming from other agencies' actions. This is probably due to the fact that the Park Service feels powerless to dictate policy to another Federal agency.

Recently, the Department of the Interior has intensified its efforts to resolve inter-agency conflicts via staff meetings and working groups. We appreciate the Department's awareness that better conflict resolution is needed, but we doubt the potential effectiveness of such informal measures for several reasons. One, only Interior Department agencies are participants, yet agencies from other Federal departments such as Agriculture, Energy and Defense are the source of numerous threats to park wildlife.

Two, certain key appointees of the Administration have a well-established policy of favoring utilization rather than preservation of resources which makes us doubt that the Department would sincerely consider park wildlife needs if it meant denying

development opportunities. Finally, the Department has thus far failed to resolve a controversy that has erupted over BLM grazing regulations issued this spring that would have deleterious effects on national park wildlife. If the Department cannot manage to get the National Park Service and the Bureau of Land Management to resolve their rather simple differences over grazing management, how can it expect to be successful in more complex issues such as oil and gas leasing?

Despite the requirements of the National Environmental Policy Act and other laws and policies which call for inter-agency consultations, it is apparent that Federal agencies have a scant willingness to seriously seek or consider the needs of the national parks. For instance, the National Park Service as not consulted by the Department of Energy as to the impacts of a nuclear dump site immediately adjacent to Canyonlands National Park prior to the announcement of the three candidate sites. Similarly, the National Park Service learned through a newspaper announcement of a Forest Service plan to harvest a plot of timber adjacent to Glacier National Park and along a critical grizzly bear migration route.

We agree with the Wildlife and the Park amendment's finding that the primary reason for these threats to park wildlife from outside agency actions and programs is the current inconsistency in Federal policy and programs. The National Park Service is required to preserve the nation's natural and cultural heritage

as represented by the National Park System. Yet right across park boundaries, other agencies operating under different mandates are conducting programs which often directly impinge upon park resources.

It is obvious that if the preservation mandate of the National Park System as set down by Congress over sixty years ago is to be met with respect to wildlife, that stronger measures are necessary. We believe that the Federal consistency requirement which would be established by the Wildlife and the Parks Act is the calibre of authority needed.

Examples of statutorily imposed Federal consistency requirements are found in a number of laws already on the books including the Historic Preservation Act, the Coastal Zone Management Act and the Endangered Species Act. If Federal actions are required to be consistent with historic resources of state and local significance on the National Register as is required by the Historic Preservation Act; if Federal agency actions are supposed to be consistent with state coastal zone management plans, as required by the Coastal Zone Management Act; and if other Federal agencies must be consistent with the preservation of the habitat of a single endangered species as is required by the Endangered Species Act, then clearly Federal consistency is not only desirable and proper, but essential if we are to preserve the nationally significant wildlife populations that the national parks were set aside to protect. To oppose Federal consistency for the national parks is to oppose

the preservation of such unique species as the grizzly bear, wolf and bald eagle for future generations.

We wish to commend the Chairman for including in the amendment the economic restrictions originally developed in the Coastal Barrier Resources Act. It is obvious that current recommendations for consultations are merely considered as red-tape and window-dressing by agencies. By prohibiting Federal expenditures in ecologically-related, contiguous Federal areas until they have passed review by the Secretary, however, there is a much greater chance that adequate consideration will be given wildlife needs.

We anticipate that opponents of this legislation will argue that it will be impossible to define ecologically contiguous areas which are significant to park wildlife species. We agree that the task will not be easy, but it is not without precedent. For several years now, the Department of Interior through its U.S. Fish and Wildlife Service has been identifying critical habitats of endangered and threatened species. Drawing upon this experience, the Department should be able to define those areas on adjacent Federal lands which are vital to park wildlife.

Mr. Chairman, one of the often overlooked provisions of your bill, but one which we feel is an essential requirement for the National Park Service, is the requirement that calls for a bi-annual report to Congress. This "State of the Parks" report as it has been previously termed, is the only means available to the Service, or to the American people, to obtain a comprehensive overview of the extent and nature of threats to park resources which are occurring.

A regular "State of the Parks" report would also give the National Park Service an opportunity which they do not otherwise have, to gain some sense of the trends which are facing park resources. Without this overview, the National Park Service will have no way of knowing whether similar problems are occurring in several parks. It is hoped that once similar problems are identified, some generic solutions can be worked out, rather than constantly "reinventing the wheel." Though the internal importance of such a reporting requirement cannot be understated, the values of such a report for those outside the Interior Department concerned about threats to park resources who would not otherwise have such cumulative, comprehensive information available, is enormous.

As mentioned previously, the National Park Service prepared its first such "State of the Parks" report in 1980. The most significant aspect of this report to Congress is the fact that it revealed in overview fashion that there are indeed problems facing nearly every park in the System.

Beyond, that the Report also showed that not nearly enough is known about almost all of the problems. Awareness that the National Park Service suffers a serious knowledge gap is in itself worth all of the effort that went into this report. If the National Park Service were to continue to produce such reports on a bi-annual basis, while at the same time continuing its ongoing efforts to deal at the local level with each of the threats identified, and to broaden the knowledge base, over time these reports would be able to show significant progress in mitigating and preventing threats and in accumulating adequate baseline data for each of the parks.

For the past several years, the Service has argued that it has full authority to produce such a report, and does not need a Congressional directive to do so. While this is true, they in fact have not done so. In recent months, field personnel have been told to destroy all copies of the 1980 report, and to stop using it as a point of reference regarding threats. While there were carefully acknowledged questions raised about the adequacy and thoroughness of the earlier report, until the Service does a better job, it is all that any of us have to use to describe the threats to the national parks.

Frankly, I do not understand the reluctance of the Service to not only point with pride to that earlier report, but to move agressively to fully update it. Even State park agencies are beginning to recognize the desirability of having such comprehensive overview information about threats to park resources.

Most recently, the Administration of Governor Duekmejian in the State of California has produced a comprehensive threats report on the California State Park System, entitled Stewardship-1983. This study, like that of the National Park Service, looked at numbers, types, and sources of threats to park resources and will serve that agency very well in both addressing the problems and in developing public support and awareness for their plight.

It is interesting to note that this California report was in part financed by a state-side grant from the Federal Land and Water Conservation Fund, made through the National Park Service. If the Service can see fit to fund such projects at the state level, which they surely should continue to do, it should certainly be possible for the Service to continue to do so for the units of the National Park System.

Mr. Chairman, we urge you not only to retain the report requirements in your pending amendment, but to expand on the purposes of this report in the Committee report on the bill and in other legislative history. It would also be useful to closely question the witnesses from the National Park Service and elsewhere in the Department about why they appear to be so reluctant to continue to study, evaluate and report publicly on the cumulative threats to national park resources.

Before closing, I would like to urge that the Committee consider expanding the scope of the bill to encompass the other natural and cultural resources preserved in the National Park System.

Although wildlife are most frequently the victims of the activities of other federal agencies by virtue of their mobility and needs beyond the boundaries of the parks, they are certainly not alone. The loss of nationally signficant cultural and scenic resources is also occurring at an alarming rate.

It is time we all realized that no park can survive as an island. The integrity of many of our parks' resources is seriously threatened by a myriad of inconsistent federal programs and policies both within and beyond park boundaries.

Newton Drury, former Director of the National Park Service, once stated, "If we are going to succeed in preserving the greatness of the national parks, they must be held inviolate. They represent the last stands of primitive America. If we are going to whittle away at them, we should recognize, at the very beginning, that such whittlings are cumulative and the end result will be mediocrity."

Mr. Chairman, the whittlings of which Director Drury spoke have indeed begun and Federal agencies are often the ones wielding the knife. Unless action is taken, and taken soon, some of the inroads which have already been made into the habitat vital to park wildlife may become irreversible.

Let us hope that by enactment of the Wildlife and the Parks amendment, that the national parks will remain fortresses for the preservation of our natural heritage.

STATEMENT OF
JIM SANTINI
WESTERN REGIONAL COUNCIL

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

I am Jim Santini, a Member of the Board of Directors of Homestake Mining Company. Homestake is an active member of the Western Regional Council. I appear before you today on behalf of the Western Regional Council.

The Western Regional Council (WRC) is a coalition of 45 major companies active in the eight Rocky Mountain states. Our membership includes the Chief Executive Officers of businesses engaged in financial, energy, mining, transportation, manufacturing, construction, and other enterprises.

The purpose of the WRC is to provide a forum for the resolution of issues which uniquely affect our region and to recommend policies to state and federal governments which recognize the need for both a strong economy and a healthy environment in which to live.

The Western Regional Council appreciates the opportunity to appear before this subcommittee.

NATIONAL PARKS -- A WESTERN PERSPECTIVE

Western Regional Council member companies have been good neighbors with many of this nation's largest and most beautiful national parks. We enjoy the unmatched beauty, grandeur, and recreational opportunities provided by these natural and cultural resources. We have learned to respect them for their significance as national treasures. We appreciate them for the opportunities they provide for the aesthetic and recreational enjoyment of the people. We also recognize their contributions to the economies of surrounding states and localities. We are sincerely interested in their protection and preservation.

For these and other reasons, we feel that we have a unique perspective on and understanding of the numerous, large national park system units located in the Western United States. Consequently, we are deeply interested in the "Wildlife and the Parks Act of 1984", as we have been interested and involved in consideration of previous legislative and administrative initiatives aimed at park protection.

WILDLIFE AND THE PARKS ACT OF 1984

We recognize the "Wildlife and the Parks Act of 1984", Chafee Amendment No. 2807, is an initiative aimed at preserving and protecting sensitive fish and wildlife species located primarily within the larger units of the national park system. However, after carefully reviewing and studying this legislation, we are deeply concerned that, in its implementation, it would unnecessarily, but severely, negatively impact the activities of businesses, individuals, and various levels of government around or near units of the national park system. In so doing, it would conflict with numerous existing laws and regulations, both state and federal, while expanding the

authority of the Department of Interior (including the National Park Service and the U.S. Fish and Wildlife Service) beyond that which is necessary to address existing or potential legitimate threats or damage to sensitive fish and wildlife species in our national parks.

The WRC is also concerned that certain imprecise and ambiguous terms and phrases in the legislation, in conjunction with the creation of several new administrative and review processes, would give rise to numerous lawsuits with their additional costs and delays. It would also indirectly override the establishing legislation for each of the affected national park system units by, in one action, providing for the indirect alteration and de facto expansion of existing park boundaries.

The Western Regional Council and its members oppose the establishment of yet another special category of restricted federal lands with its attendant, limited scope of management and use options. We also oppose the establishment of this formal precedent for the highly objectionable concept of "buffer zones" around withdrawn federal lands.

Finally, one of our greatest concerns is the elevation of one use as the dominant use and factor in all federal land management policies and decisions, thereby upsetting the carefully balanced management approach of existing law.

We will further develop and discuss these and other concerns in greater detail in the balance of this statement.

TECHNICAL CONCERNS

1. Ambiguities

The WRC is concerned about the undefined or unclearly defined terms or phrases in amendment No. 2807. These ambiguities and uncertainties would invite a constant stream of litigation, thereby forcing the courts to decide the future of numerous activities on "contiguous ecologically related federally managed areas."

A few examples follow:

a. The amendment seeks to narrow the universe of fish and wildlife species or populations that are protected by limiting the protection to those species "primarily found within such system units". That phrase is defined as "those native fish and wildlife populations that are known to utilize or require habitats that are predominantly within the boundaries of a unit of the National Park System". Unfortunately, "predominantly within the boundaries" is not much more clear or precise than the phrase it seeks to define, "primarily found within". Does "predominantly within the boundaries of a unit" mean that a majority of a habitat is located within the park unit? Or does it mean that the majority of the fish and wildlife populations that utilize the habitat are within the park unit? In our opinion, the use of the phrases "primarily found within" and

"predominantly within" require unelected Department personnel to make critical decisions with unclear or insufficient guidelines or criteria. Such decisions will likely ultimately be made by federal court judges.

b. Amendment No. 2807 would require the Secretary to designate certain areas as "wildlife resource habitat areas". However, the legislation gives little direction or definition of such areas. By requiring that such areas be "contiguous to a national park system unit", the legislation provides a virtually unlimited scope of land for review as it fails to define the term contiguous.

c. One of the critical determinations that must be made by the Secretary or by other federal agency heads pursuant to the "Interagency Review" provisions of section 606 of the amendment is whether a federal expenditure or new financial assistance "is reasonably likely to have a detrimental effect on the population of native fish and wildlife species...." However, the legislation does not make an attempt to define "detrimental effect", thereby providing no direction or guidelines to the federal agency or Secretary. This would create enormous uncertainty on the part of businesses, individuals, and various levels of government as to whether their proposed activities may fall within the scope of actions that would be prohibited pursuant to the amendment.

d. Also in section 606, the amendment triggers the interagency review provisions and requirements when a federal agency "proposes to undertake a new Federal expenditure or new financial assistance...." It is unclear from a careful reading of the amendment what is intended by the phrase "proposes to undertake". That phrase could be construed to mean any of a variety of steps during the agency decisionmaking process. The failure to more clearly define or explain this critical triggering phrase creates uncertainty on the part of federal agencies and another potential basis for litigation.

e. In section 607 (a)(2), the legislation requires a study of non-federal areas providing "habitat that is necessary to restore or maintain optimum populations...." There is, however, no definition or explanation of "optimum populations". Does it mean a maximum population level achievable under ideal or best-case circumstances? Or does it mean the population levels necessary to assure the survival of a given species?

These and other ambiguities within the legislation provide insufficient direction and certainty, not only to Department officials who would be required to implement the amendment, but also to businesses, individuals and state and local governments that utilize land "contiguous" to national park system units. Besides this uncertainty, these ambiguities will result in a steady stream of legislation, with the potential of challenging virtually every government decision and step in the process, with resultant costs and delays.

2. Conflicts with Existing Laws, Regulations, Programs

The amendment, by creating a new category of federal lands ("wildlife resource habitat areas") overlapping the boundaries of other federal lands, and by establishing new federal regulatory and management procedures, priorities and directives, would create immediate and potential conflicts with existing federal and state laws, regulations, and programs.

a. The first potential area for conflict with existing law may well be the legislation that initially established a park unit, itself. Such legislation was typically the result of extensive discussion and review, by both federal park personnel and outside interested parties. Administrative recommendations or proposals for creation of park units were subjected to the very careful scrutiny of Congressional committees and individual members of Congress. The establishment of park boundaries was often the result of the give and take of the legislative process. Any specific management directives contained in such legislation was also subject to open review and debate in Congress.

   The provisions of Amendment No. 2807 would be applied as a unform set of requirements regarding our national parks and their wildlife resource habitat areas, without sufficient consideration of the unique resources of each park unit or the individual needs and desires of affected local government and other interests. There will, undoubtedly, be areas of conflict between park enabling legislation and the Wildlife and Parks Act of 1984. It is our view that responsible management decisions require that changes in existing park legislation, particularly those governing the boundaries and management of individual park units, should be considered on a case-by-case basis, rather than by legislation establishing uniform, nationwide standards, procedures and requirements.

b. Conflicts may also arise between the provisions of Amendment No. 2807 and the legislation creating or designating other federally protected areas, such as wilderness, wildlife refuges, etc. The "wildlife resource

habitat areas" to be designated pursuant to this legislation would, no doubt, include many existing or proposed wilderness areas, wildlife refuges, wild and scenic rivers, and other special management areas.

c. Conflicts would also occur with existing environmental laws and regulations. One of the stated findings of Amendment No. 2807 is that fish and wildlife within national parks are being threatened by air pollution and water pollution.
The Clean Air Act and the Federal Water Pollution Control Act (Clean Water Act) provide a means for addressing air and water pollution problems. However, the provisions of those acts would, in certain cases, conflict with the requirements and provisions of the Wildlife and the Parks Act. For example, a pre-existing mining or other industrial facility within a "wildlife resource habitat area", as designated pursuant to Amendment No. 2807, may not be affected by the terms of the act as long as "new" federal actions were not required. However, if it were determined that the activities of such a facility required, pursuant to the Clean Water Act, the construction of a water treatment facility to assure an acceptable level of water quality, the provisions of Amendment No. 2807 may require the denial of the federal approval, permit, or other action necessary for such a facility. Thus, the Wildlife and the Parks Act would conflict directly with the Clean Water Act, and the important national goal of protection of fish and wildlife species would conflict with the equally important national goal of protecting and preserving water quality.

Other such conflicts between the Wildlife and the Parks Act and existing federal laws, regulations and programs would be expected.

d. On the state level, Amendment No. 2807 would create conflicts with state water law and water rights, such as where the Secretary would prohibit an activity utilizing legitimate state water rights. Water laws and rights would also, no doubt, be threatened by litigation, similar to litigation that has occurred periodically throughout this century, seeking to establish federal reserve water rights attendant to the "wildlife resource habitat areas".

e. Perhaps the most controversial conflicts that could arise under Amendment No. 2807 would be conflicts with state and local land use planning laws, regulations and procedures. Some of the activities potentially within the scope of the amendment already fall within the purview of state and local planning agencies and boards.

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3. Duplicative/Conflicting Planning and Management

Amendment No. 2807 would also create additional burdens on federal government personnel and managers, as well as on users of lands "contiguous" to national parks, by imposing duplicative administrative, planning and/or management directives and functions on top of the already complex and thorough requirements of existing laws.

The amendment would impose planning functions on top of the already complex and thorough planning required by the National Forest Management Act, the Range Land and Renewable Resources Planning Act, the Federal Land Policy and Managment Act, statutes governing planning by the National Park Service and the Fish and Wildlife Service, etc. Such duplicative requirements would not only be costly, but they could cause lengthy delays, create confusion within the agencies and the planning processes, themselves, and in some cases even undermine the effective planning and management efforts of the Park Service, Forest Service, and other federal agencies.

The potential conflicts between Amendment No. 2807, if enacted, and existing laws and regulations briefly outlined herein evidence the need for a careful review of the overall impact of 2807 on current law. Prior to acting on such a measure, we should review its potential impact on and relationship with such laws as the Mining Law of 1872 (43 U.S.C. 161), Forest Reserve Act of 1891 (26 Stat. 1095), Forest Service Organic Administration Act (16 U.S.C. 551), Mineral Leasing Act (30 U.S.C. 181), Taylor Grazing Act (43 U.S.C. 315), Mineral Leasing Act Amendments (30 U.S.C. 351), Fish and Wildlife Act (43 U.S.C. 742a), Fish and Wildlife Coordination Act (16 U.S.C. 661), Multiple Use and Sustained Yield Act (16 U.S.C. 528), Classification and Multiple Use Act (43 U.S.C. 1411), National Wilderness Preservation System Act (16 U.S.C. 1311), National Wildlife Refuge System Act (16 U.S.C. 668), Wild and Scenic Rivers Act (16 U.S.C. 1271), National Environmental Policy Act (42 U.S.C. 4321), Clean Air Act (42 U.S.C. 7401), Environmental Quality Improvement Act (42 U.S.C. 4371), Clean Water Act (33 U.S.C. 1251), Endangered Species Act (16 U.S.C. 1531), NEPA Amendments (42 U.S.C. 4332), National Forest Service Management Act (43 U.S.C. 476), Federal Land Policy and Management Act (43 U.S.C. 1701), Federal Coal Leasing Amendments (30 U.S.C. 201), Clean Water Act Amendments (33 U.S.C. 1251), Clean Air Act Amendments (42 U.S.C. 7401), Surface Mining Control and Reclamation Act (30 U.S.C. 1201), etc.

A careful study of existing laws, regulations, and requirements to determine the expected and potential impact of Amendment No. 2807 will reveal, we believe, that an additional major uniform park protection legislative initiative may be unnecessary and, in many cases, counterproductive.

4. Delays

By requiring the Secretary to designate "wildlife resource habitat areas" on federal lands around existing parks and by requiring the Department to study federal-related activities on "contiguous" private lands, Amendment No. 2807 will have a "chilling effect" on all activities near national parks. Federal agencies and managers will, no doubt, be hesitant to proceed with permits, licenses, decisions, etc., on lands subject to review, particularly those that may be candidates for initial or eventual designation as "wildlife resource habitat areas". This "chilling effect" will cause unnecessary and costly delays in numerous activities and projects.

The prospect of litigation during this initial review and study process will also create unnecessary, burdensome and costly delays. Such delays will also occur after designation of such areas as the numerous procedural steps for approval of actitives, projects, etc., may be challenged in court at each available opportunity.

Finally, the language of the amendment, itself, would cause indeterminable delays. For example, in section 604 providing "Limitation on Federal Expenditures", there is no time limit or deadline on the Secretary of the Interior for his determination as to whether an expenditure or financial assistance will cause a detrimental effect on fish and wildlife species. That section merely states that the "Secretary shall make such determinations...promptly after public notice and an opportunity for public comment." While the Secretary is constrained to make a decision "promptly" after public notice and an opportunity for public comment, there is no limitation on when the Secretary must request such public notice and the length of time allowed for public comment.

Under section 605 regarding "Exceptions", the Amendment also fails to put any kind of time limit on the "consultation" process leading to the excepting of certain federal expenditures or financial assistance from the requirements of the Act.

In section 606, "Interagency Review", federal agencies proposing expenditures or financial assistance must notify the Secretary "at the earliest practicable time prior to such action". Such language gives no direction to the respective federal agency regarding time limits and may also cause inappropriate and unnecessary delays under the act. Subsection (b) of section 606,, outlining the details of the information agencies must provide to the Secretary, places no time limit on the completion of the interagency review process. Instead, it requires the federal agency to provide the Secretary "a reasonable opportunity to make findings with regard to such information and to reach a determination or to provide comments...." The amendment is quiet as to what period of time constitutes "a reasonable opportunity" and, as previously stated, provides no meaningful time constraints on either the federal agency or the Secretary.

Establishing detailed and significant new federal requirements and procedures without sufficient designation and limitation of time for completion of such procedures and requirements unfairly leaves businesses, individuals, and state and local governments to the whims of federal personnel and subjects them to enormous uncertainty and inevitable delay.

CONCEPTUAL CONCERNS

5. Balancing Competing Uses

Existing federal land management laws and regulations typically provide for a careful balancing of numerous factors, including potential competing or conflicting uses, in land planning and management. The Wildlife and the Parks Act, Amendment No. 2807, seeks to alter that balance by establishing the protection and preservation of fish and wildlife as the dominant factor in federal land management and use decisions.

The WRC objects to such a nationwide, uniform prioritization. It places all activities on federal lands near national parks under a cloud or burden. In the hands of a zealous Secretary, any given proposed use or activity could almost always be found to have a "detrimental effect", however remote or tenuous, upon fish or wildlife.

The WRC opposes creation of zones near national parks within which every use of the public lands is made subservient to the protection of fish and wildlife.

6. Another Category of Protected Federal Lands

The Wildlife and the Parks Act of 1984 would require the designation of certain defined lands as "wildlife resource habitat areas". It would subject such duly designated lands to additional procedural and substantive requirements and restrictions. The WRC believes that the creation of an additional category of restricted federal lands must be viewed in the larger context of total federal land withdrawals and restrictions.

The federal government owns one-half of the land in the Western United States (including 50% of the land in the eight-state WRC area). Much of this federal land is subject to use restrictions that either limit or totally prohibit energy or mineral exploration or resource development. Restricted federal lands include almost 80 million acres of national parks, more than 84 million acres of wildlife refuges, 191 million acres administered for military purposes, 51 million acres held in trust by the federal government as Indian reservation lands, and millions of acres set aside as wilderness or under consideration for wilderness designation. In addition to these millions of acres of federal lands, state laws and regulations restrict or prohibit activities on significant portions of land owned or managed by state or local government entities.

The increasing curtailment of resource exploration and development on public lands is one of the most serious problems facing the energy and mineral industries, as well as other resource dependent industries such as forestry, agriculture, etc. That is why the matter of designating additional restricted or withdrawn lands is of such great importance to the Western Regional Council and to resource-dependent Americans.

7. Park Boundaries

As previously explained, our national parks were established after careful study, consideration and debate. It is significant to note that the boundaries of the major national park system units were Congressionally established and approved. The Wildlife and the Parks Act would result in a de facto expansion of the national parks through the actions of political appointees and unelected federal employees. Besides impacting numerous activities of individuals, businesses, and state and local governments, such a de facto expansion of the park system would drain park system resources and blur the mission of the National Park Service.

National park system units must have clearly defined boundaries. This concept was recognized by the Director of the National Park Service in testimony on April 7, 1983, before the Subcommittee on Public Lands and National Parks of the House Committee on Interior and Insular Affairs: "Every national park must have a boundary, and the special protections we provide park lands must end somewhere. We recognize the boundaries can never be perfect, and that every park may be affected by events occurring outside that boundary."

The WRC believes that problems relating to current boundaries of national park system units should be addressed on a case-by-case basis. Congress played a critical role in the development and approval of specific boundaries for existing national parks. Congress must continue to play the primary role in the designation or alteration (whether direct or indirect) of national park system unit boundaries.

The WRC urges this subcommittee to consider the potential impact on existing park system boundaries that would occur with the enactment of Amendment No. 2807. We would actively participate in addressing specific problems that could be resolved by boundary alterations for individual park units on a case-by-case basis. We urge Congress to adopt that approach in lieu of inappropriately delegating its authority and traditional role in the creation and alteration of national park system unit boundaries.

8. "Buffer Zones"

By establishing restricted and protected areas known as "wildlife resource habitat areas" contiguous to national parks, the Wildlife and the Parks Act would, in essence, establish "buffer zones" around those parks. The Western Regional

Council has consistently and strongly opposed the establishment of any kind of "buffer zone" around any type of federally protected, designated, withdrawn or managed area.

Enactment of Amendment No. 2807 would establish a precedent for the legislative creation of such buffer zones. Interest groups and organizations who have advocated the establishment of "buffer zones" or protective corridors outside the boundaries of certain units of the national park system have also indicated an interest in promoting the concept of protective perimeters or "buffer zones" around designated wilderness areas and other federal special management areas. Such a precedent and action is objectionable, in part, due to the uncertainty about activities that could exisit or occur within such buffer zones, as well as concern about expansion of federal authority and control.

The WRC also expresses concern about the tremendous amounts of acreage that would be negatively impacted and withdrawn from multiple use and management. During consideration of a so-called park protection measure in the House of Representatives, H.R. 2379, opponents established that even a ten-mile protective perimeter or buffer zone around national park system units would dramatically increase the acreage withdrawn from multiple use. For example, Rocky Mountain National Park in Colorado consists of 256,942.71 acres, with a 125 mile perimeter. A ten-mile buffer zone around the perimeter of that park would result in a de facto increase in acreage of approximately 800,000 acres, more than three times the size of the park itself. While we recognize that Amendment No. 2807 does not establish such a ten-mile perimeter around every national park, the example does illustrate the impact on activities around or near national parks of the establishment of any protective zone such as a "wildlife resource habitat area" near or around a national park.

Consequently, we must continue to oppose the establishment of protective zones around existing federal land withdrawals that would impose additional federal controls on areas outside the boundaries of certain units of the national park system.

9. Impact on Private Lands

The Wildlife and the Parks Act of 1984, seems to direct the establishment, at least initially, of fish and wildlife protective zones only on federal lands. However, there are several provisions in the bill that raise concern about the potential expansion of such additional federal controls on private lands outside national parks.

The most obvious provision regarding private lands is found in section 607 of the amendment. In subparagraph (2) of section 607, the act would require the Secretary to submit to Congress a report which shall "study, identify and depict on maps those environmentally sensitive, native fish and wildlife habitat areas, generally contiguous, adjacent, or ecologically related to national park system units, that are not within the

boundaries of any federally managed area...." By requiring the Secretary to not only study, but also identify and "depict on maps" private lands outside national parks that provide habitat for "environmentally sensitive, native fish and wildlife", the amendment seems to anticipate the future designation of "wildlife resource habitat areas" on such private lands.

Concern about application to private lands is heightened by the lack of clarity of the definition in section 603(e). In section 607 of the amendment, the Secretary is directed to establish boundaries of wildlife resource habitat areas in "contiguous ecologically related federal managed areas". Section 603(e) defines the term "contiguous ecologically related federally managed area" without limiting that term to federal lands as follows: "an area contiguous to a National Park System unit and designated by the Secretary as necessary to restore or maintain optimum population levels of fish and wildlife species that are primarily found within a National Park System unit." While a careful reading of the entire legislation seems to indicate that the initial intent is to establish wildlife resource habitat areas only on federal lands, the definition of the areas subject to consideration for designation as wildlife resource habitat areas is not limited to federal lands. While this may merely be a drafting oversight, we believe it raises questions as to the exact intent of the legislation and, when reviewed in conjunction with section 607(a)(2), it constitutes a perceived threat to individual rights and activities on private lands.

10. State of the Parks Report

The Wildlife and the Parks Act of 1984, like other pending park protection legislation, seems to be the result, at least in part, of a state of the parks report prepared by the Department of the Interior in 1980. That report listed numerous "threats" to national parks and park resources.

In House report No. 98-170 accompanying H.R. 2379, the National Park System Protection and Resources Management Act of 1982, the dissenting views address some of the shortcomings of the 1980 report:

> Further, the genesis of this legislation was based upon a woefully inadequate and hastily-prepared document submitted to Congress in May of 1980. The referenced document was an effort to assess park problems and impacts from both within and without the boundaries of park system units. Pressed for time, and lacking any local or state input, the National Park Service personnel produced a document without substantiation or explanation of their perceptions of existing and future problems facing the parks. Vague reference, with no documentation or explanation, of such park problems as "employee ignorance", "increased oil and gas development outside the park", and "drunkenness and vandalism", do not represent either the

pinnacle of research efforts or an adequate point of reference from which the Congress should be expected to derive conclusions which ultimately lead to enactment of legislation.

We do not believe that such a document should serve as the basis for broad park protection legislation.

This is not to say that specific units of the national park system are not threatened by problems from both within and outside the park. However, we believe that many of the threats identified in the state of the parks report were unverified, poorly documented, or undocumented altogether. Of perhaps greater import at this hearing, a large number of those threats may not even be addressed by the Wildlife and the Parks Act.

We certainly do not advocate ignoring the legitimate and significant threats to our valuable park resources. Rather, we would suggest that a more careful, thorough study of threats to parks occur and that those threats identified and documented as significantly and negatively impacting national parks be addressed on a case-by-case basis and balanced with other factors by the appropriate committees of Congress, utilizing the resources and expertise of the national park service and other federal agencies as well as the resources and expertise of state and local government and private interests.

11. Litigation

As previously outlined, one of the greatest concerns of the Western Regional Council regarding the Wildlife and the Parks Act of 1984 is the potential it provides for litigation, including dilatory lawsuits. Such litigation would likely surface at each of the numerous steps required during inter-agency review, the Secretary's process of review and designation of wildlife resource habitat areas, any federal action or decision affecting any activity within wildlife resource habitat areas or impacting fish or wildlife within park units, etc. Such litigation would necessarily result in tremendous costs and delays, not only for private individuals and business interests, but also for state and local governments and for federal government activities. Any reasonable park protection legislation should include limitations and restrictions on litigation and judicial involvement and interference.

12. Delegation of Congressional Authority

Section 607 of the proposed amendment requires the Secretary to designate certain wildlife resource habitat areas within 12 months after enactment. The Western Regional Council objects to Congress delegating its authority to establish a potentially significant number of restrictive federal management areas to the Secretary of the Interior.

THREATS TO NATIONAL PARK SYSTEM UNITS

As previously indicated, the WRC recognizes that there are some legitimate, significant threats to specific park units. We believe that such threats should be carefully addressed. Numerous administrative and legislative initiatives have been drafted with a goal of protecting our valuable park resources. We share that goal in common with many private individuals and organizations, as well as with many government agencies and members of Congress, including the members of this subcommittee.

However, we believe that the legislative responses, to date, have been too broad and too ambiguous to effectively deal with the most critical and important threats or problems without imposing costly and inequitable burdens and restrictions upon individuals, businesses, and state and local governments. We believe that a more careful, professional review of perceived threats to national parks will narrow the number of significant, legitimate threats so as preclude the necessity of establishing additional federally protected areas with burdensome, uniform restrictions and requirements.

The Western Regional Council has recently begun a careful analysis of the problem of threats to our national parks with the intention of developing some equitable, meaningful alternatives to the pending administrative and legislative proposals. In the interim, we recommend that Congress address the most significant park threats on a case-by-case basis.

CONCLUSION

In conclusion, the Western Regional Council sincerely appreciates the opportunity to provide our views and recommendations regarding park protection and Amendment No. 2807, the Wildlife and the Parks Act of 1984. We hope to be a participant in the ongoing debate and consideration of this and related measures and in the development of appropriate alternative initiatives to protect our national parks.

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STATEMENT OF

JAMES TATE, JR., PH.D., CONSULTANT
ON BEHALF OF
THE AMERICAN MINING CONGRESS

Chairman Chafee, Members of the Subcommittee:

On behalf of the American Mining Congress, I would like to thank the Subcommittee for the opportunity to testify on an issue of great importance to the mining industry in the United States of America -- the Wildlife and Parks Act of 1984.

I am Dr. James Tate, Jr., Consultant on Environmental Issues, testifying on behalf of the American Mining Congress. Previously, I was a Principal Environmental Coordinator for the Atlantic Richfield Company, an Associate Professor at Cornell University and Assistant Director of Cornell's Laboratory of Ornithology.

The American Mining Congress is an industry association that encompasses (1) producers of most of America's metals, coal, industrial, and agricultural materials, (2) manufacturers of mining and mineral processing machinery, equipment, and supplies; and (3) engineering and consulting firms and financial institutions that serve the mining industry. AMC member companies operate on public and private lands in all 50 states.

We appreciate the opportunity to discuss Amendment 2087 dealing with the management of fish and wildlife resources within the National Park System, and in adjacent federally owned lands. Among its provisions, Amendment 2087 amends the National Park System Act of 1970 by granting additional authority to the Secretary of the Interior to control actions on lands within the units of the National Park System not held in fee simple by the federal government and on federal lands outside the park system unit

boundaries. In essence, a buffer is established around the units of the National Park System for a single or dominant purpose, the conservation of fish and wildlife.

We submit that any classification of land by the Congress must contain any necessary buffer within its boundaries and be subject to administration by the Agency or Bureau charged with the responsibility by the Congress. It is not by accident that Old Faithful is located near the center of Yellowstone National Park. In establishing Park boundaries, Congress has carefully examined the resource worthy of protection, provided a substantial buffer around those resources and enacted enabling legislation appropriate to preservation of that resource. If the judgement of the Congress is that activities adjacent to the Parks cause degradation to the designated park system unit resource, then the individual boundaries should be adjusted on a case-by-case basis.

As proposed, the amendment would create yet another type of indirect federal land use control whereby a single Park Service preferred use could override all other potential uses including those preferred by state government, local government, and private landowners. This concept would be disturbing even if applied only to adjacent multiple use federal land. However, it goes further, by extending federal control to all lands considered adjacent to a unit of the National Park System and important to a fish or wildlife species that occurs on the unit whenever federal approval might be required.

The Coastal Barrier Resources Act (CBRA) concept, which fitted the purpose for coastal barriers and islands, is ill-suited as a model where federal multiple purpose lands are involved. Further, it simply will not work for mobile, often ubiquitous resources such as fish and wildlife.

Based on the acreage level alone, the bill would include nearly one-half of the 334 units of the National Park System. Although the bill would not include the Edgar Allen Poe National Historic Site or Rock Creek Parkway, jurisdiction would include all National Parks, and all or some National Park System units in the following categories: National Historical Parks, National Military Parks, National Monuments, National Preserves, National Seashores, National Lakeshores, National Wild and Scenic Rivers, National Riverways, National Recreation Areas, and a National Scenic Trail. Each of these has a specific resource to be protected, and most have separate enabling legislation written for that purpose. Seldom, if ever, are fish and wildlife resources given as the driving reason behind the establishment of the area. Attached is a listing of the National Park System units affected.

We find conflict between this amendment and other National Park System legislation. The National Park Service Organic Act of 1916 states that a purpose of parks, monuments, and reservations is to conserve the wildlife therein, not "to restore or maintain optimum levels of fish and wildlife species that are primarily found within a National Parks System unit" as included in Amendment 2087 under the definition of "contiguous ecologi-

cally related Federally managed area." In addition, most of the units of the National Park System have individual enabling acts.

We are especially concerned that Amendment 2087 reduces the authorities of the Secretary of Agriculture with reference to National Forest System lands. It conflicts with the Organic Administration Act of 1897 and the Multiple Use-Sustained Yield Act of 1960. On Bureau of Land Management lands, the amendment conflicts with Section 302 of the Federal Land Policy and Management Act of 1976. The amendment conflicts with the policies set by the Congress in the Mining and Minerals Policy Act of 1970 and the National Materials and Minerals Policy, Research and Development Act of 1980.

The amendment offers little enhanced protection for Park System wildlife not readily available under existing legislation. The Endangered Species Act, National Environmental Policy Act, Clean Air Act, Clean Water Act, Migratory Bird Treaty Act, Eagle Protection Act, Fish and Wildlife Coordination Act, and a host of other statutes provide a framework of legislation designed specifically to protect fish and wildlife resources. From a fish and wildlife protection point of view, the amendment is not necessary.

In addition, the amendment imposes another layer of government on top of that already required. The complex and costly planning required by the National Forest Management Act, the Rangeland and Renewable Resources Planning Act, and the

Federal Land Policy and Management Act would, under this amendment, be superseded on a case-by-case basis by the Secretary of the Interior. Federal land planners are already required to consider fish and wildlife and their habitats along with the other uses mandated by law. They must place these considerations in perspective with all others.

We believe implementation of this legislation would constitute the taking of private rights within the parks and provide an opportunity for claims against the United States. Although the bill suggests that it will not affect private lands outside the parks, the effect of closing out any type of federal financial aid to the private landowner could have an adverse impact upon thousands of inholders on federal lands other than those within park system units. Holders of grazing leases and other federal leases could be adversely affected. The checkerboard patterns of surface ownership o erlain with a nonmatching of mineral resources throughout most of the west simply do not lend themselves to the kind of control proposed here.

Additionally, we suggest a threat exists to many units of local and state governments seeking federal grants or loans for community development or improvement projects, sewerage treatment plants, road and bridge repairs, airports, and the like, if they are situated within "contiguous ecologically related Federally managed areas." Federal highway, flood control, water, and other projects could be delayed, causing harm to local economies and employment. Indirect effects could be delays in the start of residential or commercial construction in affected localities.

If a fish or wildlife resource were seriously threatened by such proposed actions, and Federal monies were involved, appropriate protection exists under NEPA.

The amendment, in addition to requiring a costly, bureaucratic increase of Departmental personnel,would delay federal decision-making for an extended period, thereby hindering mineral exploration, timber harvest, grazing, recreation, and other legal multiple uses. Delays could result in the loss of an entire season of essential exploration or development activity and have negative effects on jobs and the economy. In some cases, such delays would be in violation of due diligence provisions of mineral leases.

Such decisions will take on an aspect of arbitrary and capricious acts if taken by the Secretary, or more likely they will be left to the courts. Thus, the amendment will most certainly open the floodgates for a constant stream of litigation. We are witnessing this now with all kinds of environmental legislation. The courts will thus be forced to decide the future of practically every federal action on "contiguous ecologically related Federally managed areas."

We have serious reservations as to the accuracy of the National Park Service "State of the Parks 1980 Report to the Congress," as a basis for this and other legislation. Two quotes from that report illustrate part of our concern:

> Only one-quarter of all reported threats have adequate documentation. The paucity of information

relates not only to resource conditions and status of impinging internal and external activities, but also to the basic information available for planning and decision-making.

Similarly, mammals appear with considerable frequency as a threatened resource. Curiously, this group of vertebrates is relatively small in species numbers in most park areas and, futhermore, most mammal species are obscure nocturnal animals unknown to most persons. However, a few relatively large mammals (bear, deer, elk, etc.) attract considerable attention and consequently park managers may tend to accord them an importance exceeding their occurrence in most park units. This case, like that of air quality, may not accurately reflect the total problem of threatened natural resources, but rather may reflect popular awareness of particular situations or issues. What the perceptions reported by park managers indicate is that further information should be obtained at periodic intervals and carefully analyzed for further use.

If we do not know what is on park system unit lands, by inference we do not know how it relates to adjacent contiguous populations of the same species. Are the populations of fish and wildlife off park system units the same population or separate? At all seasons? Some?

This is not to say that threats to park system units do not exist. What we are faced with is an assemblage of diverse units with diverse legislative drives that happen to contain fish and wildlife resources as well. By its own admission, the National Park Service must achieve a higher level of resource inventory before it can propose to manage those resources or direct the activities of adjacent resource management units through control of the federal funding process.

We support the efforts of the administration to first protect what we have. There needs to be an inventory of the ancillary fish and wildlife resources that occur on the national park system units, and the consolidation of National Park System units into manageable entities.

Then, logically, resource management becomes possible.

Our major concern is that this proposed legislation would provide the Interior Secretary with virtually unlimited authority to restrict mineral development on federal lands adjacent to the Parks despite the existence of a clear body of controlling legislative and public policy. We do not think that this is what the Congress, through the body of law it has enacted over the years, intends to be the future policy of the United States.

We submit that problems such as those expressed here are not singular to the American Mining Congress. In a review and evaluation of a similar legislative effort, the Congressional Research Service, in a memorandum dated September 16, 1983, to

Congressmen James V. Hansen and Dick Cheney, reached many of the same conclusions we have reached.

We urge the Subcommittee on Environmental Pollution to reject Amendment No. 2087 for the reasons cited in this testimony. Be assured however, of our desire to cooperate in the establishment of a strong and well managed National Park System.

Thank you for the opportunity to testify before this subcommittee.

STATE Unit Name	AMOUNT (Acres)
ALASKA	
Alagnak Wild River	69 (Miles)
Aniakchak National Monument	136,955
Aniakchak Preserve	466,238
Bering Land Bridge National Preserve	2,774,182
Cape Krusenstern National Moument	656,685
Denali National Park	4,698,583
Denali Preserve	1,335,380
Gates of the Arctic National Park	7,498,006
Gates of the Arctic Preserve	54,948
Katmai National Park	3,678,929
Katmai Preserve	410,473
Kenai Fjords National Park	676,667
Klondike Gold Rush National Historic Park	13,271
Kobuk Valley National Park	1,749,037
Lake Clark National Park	2,633,933
Lake Clark Preserve	1,405,487
Noatak National Preserve	6,557,204
Wrangell - St. Elias National Park	8,331,406
Wrangell - St. Elias National Park	4,872,953
Yukon Charley Rivers National Preserve	2,516,821
ARIZONA	
Canyon de Chelly National Monument	83,840
Chiricahua National Monument	11,088
Glen Canyon National Recreation Area	95,725
Grand Canyon National Park	1,218,375
Lake Mead Recreational Area	896,299
Organ Pipe Cactus National Monument	330,688
Petrified Forest National Park	93,492
Saguaro National Monument	83,576
Wupatki National Monument	35,253
ARKANSAS	
Buffalo National Rivers	94,146
Hot Springs National Park	5,826
CALIFORNIA	
Channel Islands National Park	249,353
Death Valley National Monument	1,938,071
Joshua Tree National Monument	559,959

STATE Unit Name	AMOUNT (Acres)
CALIFORNIA cont.	
Kings Canyon National Park	460,136
Lassen Volcanic National Park	106,372
Lava Beds National Monument	46,821
Pinnacles National Monument	16,221
Point Reyes National Seashore	67,265
Redwood National Park	109,225
Santa Monica Mountains Natl. Recreation Area	150,000
Sequoia National Park	403,023
Whiskeytown - Shasta - Trinity National Recreation Area	42,497
Yosemite National Park	760,917
COLORADO	
Black Canyon of the Gunnison National Monument	13,672
Colorado National Monument	20,449
Curecanti National Recreation Area	42,114
Dinosaur National Monument	165,350
Florissant Fossil Bed National Monument	5,998
Great Sand Dunes National Monument	38,951
Mesa Verde National Monument	52,085
Rocky Mountain National Park	263,790
FLORIDA	
Big Cypress National Preserve	570,000
Biscayne National Park	180,275
Canaveral National Seashore	57,627
Everglades National Park	1,398,800
Fort Jefferson National Monument	47,125
Gulf Islands National Seashore	65,816
GEORGIA	
Chattahoochee River National Recreation Area	8,514
Chickamauga and Chattanooga National Military Park	8,098
Cumberland Island National Seashore	36,544
Fort Pulaski National Monument	5,615

STATE Unit Name	AMOUNT (Acres)
HAWAII	
Haleakala National Park	28,655
Hawaii Volcanoes National Park	229,177
Kaluapapa National Historic Park	10,902
IDAHO	
Craters of the Moon National Monument	53,545
Yellowstone National Park	31,488
INDIANA	
Indiana Dunes National Lakeshore	12,534
KENTUCKY	
Cumberland Gap National Historic Park	20,273
Mammoth Cave National Park	52,128
LOUISIANA	
Jean Laffite National Park and Preserve	20,000
MAINE	
Acadia National Park	38,523
Appalachian National Scenic Trail	52,034
MARYLAND	
Assateague Island National Seashore	29,150
Catoctin Mountain Park	5,768
Chesapeake and Ohio Canal National Historic Park	20,781
MASSACHUSETTS	
Cape Cod National Seashore	27,004
MICHIGAN	
Isle Royale National Park	571,796
Pictured Rocks National Lakeshore	70,807
Sleeping Bear Dunes National Lakeshore	71,105

STATE Unit Name	AMOUNT (Acres)
MINNESOTA	
Voyageurs National Park	219,128
MISSISSIPPI	
Gulf Islands National Seashore	73,758
Natchez Trace Parkway	48,370
MISSOURI	
Ozark National Scenic Riverway	79,587
MONTANA	
Bighorn Canyon National Recreation Area	89,418
Glacier National Park	1,013,594
Yellowstone National Park	167,623
NEVADA	
Death Valley National Park	129,555
Lake Mead National Recreation Area	600,299
NEW JERSEY	
Delaware Water Gap National Recreation Area	20,574
NEW MEXICO	
Bandelier National Monument	36,971
Carlsbad Caverns National Park	46,755
Chaco Culture National Historic Park	33,989
White Sands National Monument	144,419
NEW YORK	
Fire Island National Seashore	19,578
Gateway National Recreation Area	21,497
NORTH CAROLINA	
Blue Ridge Parkway	45,579
Cape Hatteras National Seashore	30,318
Cape Lookout National Seashore	28,400
Great Smoky Mountains	273,550

STATE Unit Name	AMOUNT (Acres)
NORTH DAKOTA	
Theodore Roosevelt National Park	70,344
OHIO	
Cuyahoga Valley National Recreation Area	32,460
OKLAHOMA	
Chickasaw National Recretarion Area	9,500
OREGON	
Crater Lake National Park	160,290
John Day Fossil Beds National Monument	14,100
PENNSYLVANIA	
Delaware Water Gap National Recreational Area	50,424
Upper Delaware Scenic and Recreational River	75,000
SOUTH CAROLINA	
Unagree Swamp National Monument	15,200
SOUTH DAKOTA	
Badlands National Park	243,302
Wind Cave National Park	28,292
TENNESSE	
Big South Fork National River and Recreation Area	120,960
Great Smoky Mountains National Park	243,816
Obed Wild and Scenic River	5,250
TEXAS	
Amistad National Recreation Area	62,451
Big Bend National Park	708,118
Big Thicket National Preserve	84,500
Guadalupe Mountains National Park	76,293
Lake Meredith Recreation Area	44,994
Padre Island National Seashore	51,774
Rio Grande Wild and Scenic River	9,600

STATE Unit Name	AMOUNT (Acres)
UTAH	
Arches National Park	73,378
Bryce Canyon National Park	35,835
Canyonlands National Park	337,570
Capitol Reef National Park	241,904
Cedar Breaks National Monument	6,154
Dinosaur National Monument	45,888
Glen Canyon National Recreation Area	1,061,738
Natural Bridges National Monument	7,779
Zion National Park	146,546
VIRGINIA	
Assateague Island National Seashore	10,479
Blue Ridge Parkway	35,956
Colonial National Historic Park	9,833
Fredericksburg and Spotsylvania County Battlefield National Memorial Park	5,888
George Washington Memorial Parkway	7,141
Prince William Forest Park	18,571
Shenandoah National Park	194,801
WASHINGTON	
Coulee Dam National Recreation Area	100,059
Lake Chelan National Recreation Area	61,889
Mount Rainier National Park	235,404
North Cascades National Park	504,780
Olympic National Park	908,720
Ross Lake National Recreation Area	117,574
WEST VIRGINIA	
New River Gorge National River	62,024
WISCONSIN	
Lower St. Croix National Scenic Riverway	8,670
St. Croix National Scenic Riverway	62,695
WYOMING	
Bighorn Canyon National Recreation Area	30,738
Fossil Butte National Monument	8,198
Grand Teton National Park	310,515
John D. Rockefeller, Jr. Memorial Parkway	23,777
Yellowstone National Park	2,020,625

TESTIMONY OF
MICHAEL J. BEAN, ENVIRONMENTAL
DEFENSE FUND, BEFORE THE
SUBCOMMITTEE ON ENVIRONMENTAL
POLLUTION OF THE
SENATE COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS ON THE "WILDLIFE AND THE
PARKS ACT OF 1984" (TITLE VI
of S. 978)

June 7, 1984

In 1916, the federal government recognized that the nation's enormous and valuable supply of migratory waterfowl and other migratory birds could not be effectively conserved if the task were left to the states alone. In the treaty with Canada that the Senate ratified that year, we accepted the responsibility to manage this important resource throughout its migratory range in our country and without regard to the boundaries of political jurisdictions within the country. That decision reflected a basic ecological understanding that the ducks and geese and other birds that were the object of our attention then were not confined to any one political jurisdiction, but freely traveled across many jurisdictional boundaries in the course of their annual migrations. Because the health and well-being of that resource in one jurisdiction depended upon actions taken in neighboring jurisdictions, unified and coordinated management was an ecological necessity.

In the same year that the Senate ratified the migratory bird treaty with Canada, Congress enacted the National Park Service Act. Its purpose was stated in simple,

but direct, terms: to conserve the scenery, the natural and historic objects, and the wildlife of the national parks and to provide for their enjoyment in a manner that would leave them unimpaired for future generations. Congress, however, did not fully understand in 1916 the ecological lesson implicit in the migratory bird treaty of the same year. It apparently believed that by delineating a sizeable park boundary and prescribing careful and enlightened management of activities within that boundary, the resources that give the park its extraordinary value could be kept unimpaired indefinitely.

Today, sixteen years from the end of this century, we clearly see what Congress did not foresee in 1916. Today, we can clearly see that the resources of our great parks are being impaired, and may well be destroyed, as a result of activities beyond the jurisdictional lines that mark the park boundaries. We can see it in spectacular Everglades National Park, where the once seemingly limitless "river of grass" is now shrinking and drying as a result of canals and control structures that divert away more and more of the water that gives the park its life. We can see it--quite literally--in many of the arid Western parks whose once grand scenic vistas grow yearly shorter as haze and smog from nearby smelters and other sources of pollution obscure the air. And we can see it in

Yellowstone, whose most famous inhabitants, the grizzlie bears, grow more and more imperiled as the forests around the park give way to oil and gas wells, ski resorts, and the chain saw.

Our response to the threats we now see will test our commitment to a distinctly American idea. The national park idea is exactly that, an idea created and nurtured here. The creation of Yellowstone National Park in 1872 marked not just the establishment of the first national park in this country, but the first in the world. Our ancestors of a century ago conceived of the parks as an answer to Europe's claimed superiority in culture and history. The settlers of the new continent knew they could not match Europe in these spheres, but they also knew they could far surpass it in the preservation of natural wonder and beauty. The establishment of the national parks was intended to do just that.

If we are to continue to embrace this distinctly American idea, then we must recognize the obligation to forge creative new responses to the threats that imperil our national parks. The proposed Wildlife and the Parks Act represents such a creative response. It is a carefully limited and cautious first step toward the protection of parks from external threats, but it is a decidedly important first step. It provides the Secretary of the Interior, the steward of our National Park System, with a

measure of control over certain activities occurring on federally managed lands contiguous to large national parks where those activities affect fish and wildlife found primarily within the park.

Much needed as this authority is, it is important to note its significant limits. First, it only applies to activities occurring on federally managed lands; activities on other lands would not be affected. Second, only those federal lands that are contiguous to a national park could be subject to the Act's procedures; non-contiguous federal lands are not. Third, it is only with respect to those activities that threaten park wildlife resources that the Secretary is to be given any new authority; external activities that threaten park visibility, scenery, geyser fields, or other non-living resources, are not addressed by this legislation. Fourth, the only park fish and wildlife that are the object of this legislation are those wildlife populations that occur primarily within the National Park System; activities affecting park wildlife that is not so restricted are outside the scope of this legislation. Finally, the Secretary's new authority is subject to a number of carefully enumerated exceptions.

Despite its significant limitations, the new authority proposed here is very much needed. Existing law provides an

inadequate basis for the protection of park wildlife from threats arising outside park boundaries. In the remainder of this testimony, I will briefly explain why.

First, none of the legislation governing the management of other federal land systems, principally the Federal Land Policy and Management Act, the National Forest Management Act, and the National Wildlife Refuge System Administration Act, restrains management discretion because of impacts on lands outside those systems. Indeed, the only authority even to consider the impacts of land management decisions on nearby park resources arises from the National Environmental Policy Act ("NEPA") and other, more limited, similar legislation. NEPA, however, requires nothing more than that such impacts be considered and fully disclosed. It does not require that they be avoided or even mitigated because it is, at bottom, merely a procedural statute devoid of any substantive standard restraining federal action. In short, if a timber sale on National Forest System lands adjoining a national park will destroy habitat essential to the maintenance of a viable park wildlife population, NEPA only requires that that fact be acknowledged. It does not prohibit or limit the Forest Service's authority to carry out the sale.

A further limitation on NEPA's salutary value is that its disclosure requirement only applies to major federal

actions significantly affecting the quality of the human environment. Actions adversely affecting non-endangered wildlife resources, in the absence of other impacts, may not cross this disclosure threshhold, as illustrated by the case of Kisner v. Butz, 350 F. Supp. 312 (W.D.W. Va. 1972).

Suffering many of the same limitations as NEPA is the Fish and Wildlife Coordination Act. Its scope is, of course, much more limited than NEPA's, applying only to federal, or federally licensed, impoundments or other modification of water bodies. Like NEPA, its mandate is essentially procedural; indeed, many courts have concluded that compliance with NEPA constitutes automatic compliance with the Coorindation Act. Moreover, for present purposes, it contains a very important exception. That exception renders the Coordination Act altogether inapplicable to activities "in connection with programs primarily for land management and use carried out by Federal agencies with respect to Federal lands under their jurisdiction", even if the result of those activities is to affect adversely the wildlife of adjoining national parks.

The limits of existing authority to protect parks from external threats can be illustrated by the decision of the Supreme Court only a few weeks ago in a case arising under the Federal Power Act. Section 4(e) of that Act authorizes the

Secretary of the Interior to suggest conditions to be imposed in hydroelectric licenses issued by the Federal Energy Regulatory Commission ("FERC") when facilities are licensed within federal reservations under his jurisdiction. The main issue before the Court was whether the Secretary's conditions were binding upon FERC or merely advisory. The Court held them to be binding, but limited the entire provision to licensed facilities that are actually physically within a federal reservation. For licensed facilities outside the boundaries of a federal reservation, even though their effects may be felt dramatically within the reservation, the Secretry is without any conditioning authority. Although the Federal Power Act does not authorize the construction of hyroelectric facilities within national parks, the Supreme Court's decision makes clear the Secretary's impotence to prevent, for example, the flooding or dessication of feeding, breeding, wintering, calving, or other habitat areas critical to park wildlife when those areas are affected by hydroelectric facilities outside park boundaries.

Other existing authorities might be mentioned also, but the conclusion would remain the same. Against threats to park resources arising from outside park boundaries, the Secretary of the Interior, can do little more than appeal to moral suasion. The proposed Wildlife and the Parks Act would give him much needed additional legal authority, although

limited to a narrow class of external threats and for the benefit of a narrow class of park resources. In its particulars, the proposed legislation needs some additional refinement, and we offer to cooperate fully with the Committee and its staff for that purpose. In general, however, we find that concepts embodied in it highly meritorious and commend the chairman for his thoughtfulness and creativity in proposing it.

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COMMENTS OF THE
NATIONAL WILDLIFE FEDERATION
ON THE
WILDLIFE AND THE PARKS ACT OF 1984
BEFORE THE
SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION
OF THE
SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

27 June 1984

Mr. Chairman, I am Dr. Robert P. Davison, Legislative Representative of the National Wildlife Federation's Fisheries and Wildlife Division. I am very pleased to be here to comment on the "Wildlife and the Parks Act of 1984."

The National Wildlife Federation (NWF) is the world's largest conservation-education organization. We have over 4 million members and supporters with 51 affiliated organizations representing the states and territories. Our organization has a long history of involvement in issues affecting wildlife and our public lands.

The "Wildlife and the Parks Act of 1984" advances the concept that the U.S. should not provide financial assistance or expenditures on federally managed lands for activities that are inconsistent with the protection of parks and refuges and their wildlife resources, including fish. NWF agrees with this approach to natural resource protection. It is similar to the one taken to increase protection for undeveloped barrier islands in the Coastal Barrier Resources Act, which NWF strongly supported throughout the legislative process.

There is a need to develop consistent federal policy toward fish and wildlife conservation to avoid the problem of various government units working at cross purposes. The

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lack of such a policy has lead to serious problems for some wildlife populations, such as grizzly bears in the area around Yellowstone National Park. Unfortunately, fish and wildlife do not respect the artificial lines we humans draw on maps to delineate boundaries. Because wild creatures cross the boundaries of our units of federally managed lands at will, there is a need for more coordinated management efforts among federal agencies, especially among development and resource agencies.

The Wildlife and the Parks Act of 1984 could help to establish a consistent federal policy toward conservation of the fish and wildlife on federally managed lands. However, the act needs to be strengthened in several ways. First, the prohibition on federal financial assistance and expenditures that are detrimental to the fish and wildlife resources should include not only units of the National Park System but also units of the National Wildlife Refuge System. National Wildlife Refuges are established to conserve wildlife as a primary purpose with all other purposes being secondary. Moreover, our National Wildlife Refuges are suffering from many problems that are similar to those confronting our National Parks. Of the problems identified on National Wildlife Refuges in a recent report (July 1983) on "Resource Problems on National Wildlife Refuges, National Fish Hatcheries, and Research Centers" by the Fish and Wildlife Service, 58% were strictly external and 25% originated both internally and externally (only 17% were strictly internal). Consequently, NWF recommends that any legislation of this type include National Wildlife Refuges and that consideration be given to adding other types of federal lands where unique wildlife species or important wildlife habitats exist.

Second, while we are aware of the rationale for limiting the legislation to units of more than 5,000 acres is arbitrary, such a limitation may unnecessarily jeopardize fish and wildlife populations of the National Park System simply because they are not using larger units. If the intent is to exclude historic or urban sites, then we

suggest that this be done through an exemption process that gives the Secretary of Interior the authority to remove units from the protection of the act when no native fish and wildlife species habitats are at risk. Removing the size limitation would be especially important if other federal lands are considered in the act.

Third, the act calls for the designation of "wildlife resource habitat areas," an action that, while sound in concept, will be extremely difficult to implement for many species. Although wildlife science and its techniques have progressed greatly in the last 50 years, we need to recognize that it still will not be possible to define the life requirements of many species in the type of detail that would be required to implement this act. Even the complete designation of habitats for populations of many of the large and most-imperiled species will be costly and labor intensive. None of these problems and limitations in our knowledge should deter us from beginning to work towards a consistent federal policy for conservation of those fish and wildlife species where we do have adequate information. But we must be prepared to commit both personnel and dollars to expanding our documentation of species' habitats.

Fourth, the National Park Service (NPS) is ill-prepared to handle the new responsibilities it would receive under this act. Statements presented at the 1982 hearings on the "State of the Parks" showed how woefully inadequate the staffing levels are for our National Parks. The number of visitors to the parks tripled in the last 20 years and the size of the system increased by 18% from 1970 to 1982, with 30 new units added between FY 1977 and 1978 alone, but staffing decreased. In 1980 in its State of the Parks report to Congress, NPS pointed out several internal deficiencies that will impact on the ability of NPS to implement the Wildlife and Parks Act of 1984. The most important of these deficiencies were the lack of comprehensive resource inventories in the parks, the need to acquire baseline date on park resources, and the nearly

complete lack of research and resource management capabilities within NPS (the report indicated that NPS has fewer than 100 scientists in natural science research or only 1.1% of the total NPS staff; that fewer than 200 personnel in NPS have resource management training; and that many of those with such training are senior level Park Rangers and Park Superintendents who devote little time to resource management problems). This lack of necessary resource information and personnel with appropriate training and job responsibilities will guarantee that NPS will not be able to quickly or efficiently implement this legislation.

Because of these deficiencies within NPS, NWF recommends that the Fish and Wildlife Service (FWS), due to its greater expertise, be given the principal responsibility for implementing this act. Currently, the involvement of the FWS in the process established by the act is ill-defined. The FWS is mentioned only in Section 605, but the act seems to imply the active involvement of FWS throughout the process. The act should clarify that the FWS will be the lead agency within the Department of Interior for all fish and wildlife resource determinations.

Fifth, there are a number of other provisions in the act that need to be clarified or modified to enable effective implementation of the legislation. The most important of these modifications is that the act must require consultation with the states. Formal communication with the states is especially important due to the shared jurisdiction between the federal government and the states over both resident and migratory fish and wildlife species on federally managed lands. In addition, we suggest that some refinements be made to the definitions under Section 603(d) and (e) and to the exceptions under Section 605, and that Section 604(b) be clarified. We believe all these needed refinements and clarifications can be resolved without great difficulty and we are ready to work with the Subcommittee staff to that end.

The Wildlife and the Parks Act with some modification has the potential to make tremendous strides toward a consistent federal policy for fish and wildlife conservation. NWF appreciates your effort, Mr. Chairman, and the work of other Subcommittee members to get the federal government out of the business of underwriting the destruction of valuable fish and wildlife habitat. In the final analysis, however, regardless of what federal lands are included under this act and what federal agency is given the lead responsibility, Congress must be prepared to provide both personnel and funds to accomplish the task outlined.

Thank you for the opportunity to testify.

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Before the subcommittee on Environmental Pollution on The Wildlife and the Parks Act, S978

June 27, 1984

Mr. Chairman and members of the subcommittee, I would like to thank you for allowing me to participate in these hearings on the Wildlife and the Parks Act.

I am Rosemarie J. Craven, Washington Representative of the National Inholders Association.

The National Inholders Association, originally the National Park Inholders Association, was organized in 1978 as a human rights organization. We have a clear record of working to protect the resource and cultural values of our national areas while protecting the families and communities impacted by federal designations. There are in excess of 50,000 inholders in National Park Service managed areas. We also represent an estimated 500,000 people in the National Forest areas, 500,000 in BLM areas and no estimate exists for the number of inholders within the areas managed by the Fish and Wildlife Service, the Army Corp of Engineers, or the Bureau of Reclamation.

The National Inholders Association testified in February of 1982 before the House Interior and Insular Affairs National Parks and Public Lands Subcommittee on the State of the Parks. The focus of those hearings were the 1980 State of the Parks Report prepared by the National Park Service and the "threats" to the parks. As a result of those hearings, the Parks Protection Act, H.R. 2379 was introduced in the House. That

report is cited in the introductory statement for S.978, noting the identified "threats" as demonstrating a need for protective legislation. Due to the emphasis on the 1980 State of the Parks report, I believe that it is important to look at the report and its findings before moving on to discuss the specifics of the legislation.

We will begin by reviewing some of the types of threats, including: visitor usage, NPS employee ignorance, berry picking, political pressure, rock collecting, cross country skiing, odors, wildland fires, etc. I cite these not to minimize the concerns but to demonstrate that some of the threats are in fact park generated or of natural cause. Other threats include aesthetic degradation, exotic encroachment, and reduced water and air quality. While the report identifies a total of 4,345 threats in the 320 units of the NPS, only 15% can be documented. The report states and I quote "clearly, there are subjective judgements involved in any threat reporting and evaluation process." Further it states the threats perception of park personnel may not be the same from one park to the next, nor will the threats now perceived necessarily remain the same in the future. Perceptions, by definition, reflect values, attitudes and judgements of those responding to the issue. Future examination of these issues may yield different responses as the park managers become better informed about the issues of concern."

Let us now turn to the method for data collection used and staff support, the information was collected via a survey questionaire with a checklist of possible threats; suspected, known but undocumented and documented. Each unit of the NPS was responsible for responding, yet of the entire park staff only 1.1% are scientists (fewer than 100 or less than 1 researcher for every 3 units), less than 200 NPS personnel have resource management training. The point that I am attempting to make is that while on the surface the number of threats may seem to be overwhelming, when we review the criteria, documentation, methodology, and level of expertise,the agency is simply not equipped to discern what problems truly exist or even the level of the problem. Yet, it is this report that has been the focus of so much attention as to the plight of the National Park System. Some "threats" do exist, but they must be dealt with on a case by case basis and must be adequately documented. Issues such as the grizzly bear are important but should not be used to stampede the Congress into a blanket, non-discriminating solution.

A second area that must be considered as we review this legislation is that of need based on existing public law. Currently numerous laws provide for consideration and protection of wildlife. This amendment would provide little to enhance protection that is not readily available under other laws such as the National Environmental Policy Act, the Clean Air Act, the Clean Water Act, the Federal Water Pollution Control Act, the Fish and Wildlife Coordination Act, the Federal Land Policy and Management

Act, the Federal Aid in Wildlife Restoration Act, the National Forest Management Act, and the Endangered Species Act. The tools made available through the various public laws provide for coordination of federal, state and local planning, planning grants, consultation, technological support, and environmental impact statements all focused at resource protection. OMB circular 95-A directs agencies to coordinate with local government to avoid project conflicts. Additional remedies are available through the courts, should compliance not be considered satisfactory. A major concern with this legislation is that while it provides little additional protection, it's imprecise nature will create additional delays for project approval and invites a constant stream of litigation.

In considering the legislation itself there are several potential problems we would like to discuss. The enabling legislation creating units of the National Parks are diverse. Since the inception of the basic act creating the NPS in 1916, the park service has been entrusted with the protection of our national resources and treasures. The mission as stated in 1916 was relatively simple:

> "To conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations."

Sixty years have passed during which the role of the NPS has changed significantly. Created in 1916 to preserve our national treasures, the park service took on management of a number of historic sites, monuments and battle fields. In the 30's, it was bequeathed the first of three rural parkways. This, in addition to the already existing George Washington Parkway skirting Washington, D.C.

Congress soon added National Seashores, Lakeshores, and Recreation areas. Many more historic sites and new large National Parks were designated. Even a Cultural park became part of the system.

In 1972 the concept of "bringing the parks to the people" established Gateway and Golden Gate National Recreation areas, later Cuyahoga Valley and Santa Monica Mountains National Recreation as well as other National Recreation areas were added.

The changing role of the NPS is clearly illustrated in the circular #1 Federal Executive Branch Policy Governing the Selection, Establishment and Administration of National Recreation Areas. The primary criteria of NRA's, section 6 states "Within National Recreation Areas, outdoor recreation shall be recognized as the dominant or primary resource management purpose."

In the secondary goals it is noted that "National Recreation Areas may include within their boundaries scenic, historic, scientific or scarce or disappearing resources provided that the objectives of their preservation and enjoyment can be achieved on a basis compatible with the recreational mission." Included in the scope of NRAs are National Seasnores, National Lakeshores, National Waterways, National Riverways and National Demonstration Areas. This clearly was a new and expanded mission for the National Park Service. These units were tailored to meet specific needs of visitors and the communities in which they are situated. Problems of confused management goals within Park Service units are well known. The General Accounting NPS Office in five separate reports has pointed out the difficulty personnel have in switching back and forth through units of the system. Robert Cahn in an article in Audubon magazine noted that the diverse roles were inevitably taking a "toll on agency morale and unity..." This overlay of legislation would further blurr the missions and would undermine the carefully crafted legislation and the diversity of the system itself by placing wildlife as a primary consideration over the purposes for which the area was created.

The National Inholders Association has worked to bring about legislation that is both sensitive to the natural and cultural resources as well as the individuals who have traditionally protected the rural landscape. We are greatly concerned that this legislation will upset the careful balance that has been drafted into designating acts. I do not mean to downplay the importance of wildlife, but if, as the sponsor of this bill suggests, wildlife may become second class residents of the parks, the unfortunate situation is then the inholder often becomes a third class resident and I am concerned that this legislation will only worsen the situation. In a recent conversation with an individual representing one of the major environmental groups, he agreed that while numerous organizations watched over the protection of the resource and compliance with federal law and regulation, tney rarely take any note of compliance in the protection of the rights of the individuals living in this area.

This bill will jeopardize the funds for projects and programs upon which inholders may rely for roads, sewers, flood control, flood insurance, water and other projects in spite of the units' mission or provisions in the enabling legislation. These impacts are not just limited to NPS inholdings, but those on any contiguous federal property and, though the legislation states that the fair market value of land should not be effected by provisions of this act, who will compensate the individual for the lost services that may result or the counties for the lost revenues, or consider the burden that will be placed on the remaining state and county populace.

The bill contains various statements with regard to private property contiguous to park units and while the bill does not

directly include those lands it does recommend that they be studied for possible inclusion. This provision casts a cloud over the future of all contiguous private land with no boundary or definition as to what that might include. The authority to review and possibly oppose all permits involving federal funds contiguous to a park service area is a powerful tool. It could be used to forcefully encourage local government to agree to more restrictive land use controls inside inholding areas than are necessary to protect the resource values.

This bill has been drafted in response to a report (the 1980 State of the Parks) that the Chief Scientist for the National Park Services called a disaster and an embarassment to the agency. The bill is unnecessary in that it duplicates various aspects of previously passed legislation and it clouds the mission of the National Park Service by undermining provisions of a unit's enabling legislation. One thing that is quite clear in the State of the Parks Report is that the agency is not equipped to adequately monitor problems or even identify what problems or threats may exist.

> In April of 1984 the Chief Scientist for the National Park Service addressed the National Park Advisory Board in Washington, D.C. He stated they (NPS) have "learned that there were more perceived problems (threats) than real in the 1980 report." He went on to talk about the efforts and progress they have made toward mitigation. He stressed that there are problems, including need for better coordination but agreed that mitigation efforts really need to be targeted to specific problems rather than wave a generic wand and attempt to solve a lot of problems at once.

We are concerned that passage of legislation such as this will lead to more fear and opposition to creation of additional park units no matter how well crafted the legislation.

Thank you for your consideration.

Statement of

Dr. E. F. Birdsall

Public Lands Coordinator
Conoco, Inc.

Mr. Chairman, members of the Subcommittee, my name is Fred Birdsall. I am Coordinator of Public Lands for Conoco, Inc., in Denver, Colorado. I am a geophysicist by training and have been involved extensively in the search for oil and natural gas both at home and abroad. Today, I am appearing before you on behalf of the American Petroleum Institute, a petroleum industry trade association composed of 237 companies and 6,500 individual members, many of whom are engaged in petroleum exploration on federal lands.

API has supported the National Park System consistently and vigorously. Our members strongly support the need to preserve the priceless natural heritage embodied in our national parks and other units of the park system. We do not, however, believe that the Wildlife and Parks Act amendment to S. 978 is necessary to ensure the protection of the park system's wildlife resources. Instead, the legislation will hinder petroleum exploration and other activities on federal multiple use lands adjacent to units of the National Park System without offering any additional protection for wildlife.

The amendment does not offer any protection for wildlife in or adjacent to the Park System that is not readily available under the Endangered Species Act and the Fish and Wildlife Coordination Act. In addition, many other federal statutes --

including the National Environmental Policy Act, the Clean Air Act and the Clean Water Act -- plus a myriad of state statutes, now thoroughly protect wildlife and their essential habitat. In addition, most of the units of the National Park System have their own enabling legislation.

These state and federal statutes afford significant protection to wildlife not only in the parks, but also on the public lands contiguous to the Congressionally fixed boundaries of the parks. Thus, Forest Service, BLM and state lands, now available for multiple uses such as timber harvest, grazing, mineral exploration and production, and general recreation, also are subject to existing statutes. Any activity occurring on adjacent lands must be performed in strict adherence to the requirements of these statutes.

In the case of modern oil and gas exploration procedures, leases and permits for exploration and other activities are subject to initial consultations with state and federal wildlife authorities. Various stipulations then are worked out to ensure that any perceived conflicts with wildlife welfare are avoided. Certain activities, such as exploratory drilling and seismic evaluations, for example, are routinely prohibited during periods of elk or caribou calving, grouse strutting, and at other times critcal to the successful reproduction and protection of wildlife species.

Along with this now extensive system of wildlife protection, is the need to keep intact the long established and proven concept of multipie use. The amendment jeopardizes this concept by establishing a vaguely defined new category of federal land dubbed "Wildlife Habitat Resource Areas." These would be areas of indeterminate size. They would extend beyond the boundaries of National Parks onto other federal lands which Congress has set aside for multiple uses. In effect, the amendment establishes "buffer zones" around National Park units. Such de facto expansion of the Park System will delay or halt mineral exploration and production, timber harvest, grazing and other multiple uses on federal public lands that happen to be contiguous.

The amendment also grants the Secretary of the Interior authority to prevent multiple use activity posing a perceived conflict with wildlife within these "Wildlife Habitat Resources Areas." In fact, the Secretary already has such authority. The real effect of this amendment is to shift the burden of proof so that the Secretary must state beforehand that multiple uses outside the parks will have no effect on wildlife within the parks. Thus, non-wildlife uses are deemed guilty until proven innocent.

No new activity, such as oil and gas leasing, conducted or supported by federal agencies could be commenced until the Secretary determines that such activity will not directly or

indirectly harm park wildlife or habitat. The amendment, given the vagueness of the Wildlife Habitat Resource Area concept itself and the additional requirements for public review and comment, will invite agency delays and a constant stream of litigation. As a result, the courts will be forced to decide the future of many federal actions on "... contiguous ecologically related Federally managed areas ..."

The amendment expands the already burdensome public lands permitting and consultation system for public lands by adding new requirements to those of the Rangeland and Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the Federal Land Policy and Management Act and statutes governing Park Service and the Fish and Wildlife Service planning processes.

Our nation now is dependent on foreign sources for more than 31 percent of its petroleum requirements. We should be improving -- not hindering -- opportunities to find and produce new domestic petroleum. We estimate that more than half of the oil that will be produced domestically by the year 2000 has yet to be found. Much of that oil likely will come from now largely unexplored federal lands in the Western states. This amendment, or any like it that embraces the "buffer zone" concept and subordinates multiple uses to single uses, will hinder efforts to find and produce new energy supplies.

In, conclusion API urges the subcommittee to reject this unneeded amendment. Existing legislation and modern oil and gas procedures, provide more than adequate protection for wildlife on both Park and multiple use lands.

Further, wildlife resources within the park system are not jeopardized by any outside activities of the petroleum industry and we see no demonstrated threat that would change that status.

Finally, the habitat resource area concept should be rejected because it creates "buffer zones" around park units. Units of the National Park system must have clearly defined boundaries. Blurring this distinction would hinder multiple use activities on Forest and BLM lands with no commensurate wildlife benefit.

We urge that additional hearings be held so that other affected interests which were not given the opportunity to testify may be heard. Many of our member companies and allied petroleum trade organizations are most concerned about this and similar legislation. We believe your subcommittee would benefit from hearing their concerns.

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Testimony on the Wildlife and the Parks Act of 1984
By William E. Shands, Senior Associate
The Conservation Foundation

before the

Subcommittee on Environmental Pollution
Senate Committee on Environment and Public Works
June 7, 1984

Mr. Chairman and members of the subcommittee. It is a pleasure to be here today to present the views of the Conservation Foundation on the Wildlife and the Parks Act of 1984. The Conservation Foundation is a 36-year-old non-membership, non-profit public policy research organization based in Washington, D.C. We have had a long-standing interest in the National Parks, beginning with the publication in 1967 of Man and Nature in the National Parks by Sir Frank Fraser Darling and Noel D. Eichhorn. In 1972, for the National Parks Centennial Commission, the Foundation prepared the report National Parks for the Future, culminating a year-long study of the parks' status and future prospects. Our 1978 report Federal Resource Lands and their Neighbors identified an array of activities outside the parks which were adversely affecting their natural and cultural resources. For the past two years, an interdisciplinary research team at the Foundation has been conducting an extensive study of the National Park System that has included visits to more than 60 parks and interviews with countless numbers of Park Service personnel and others. The Foundation's report, National Parks for a New Generation: Visions, Realities, Prospects, is scheduled for publication this fall. My testimony today draws on analysis conducted in the course of our work on that report.

You are to be commended, Mr. Chairman, for introducing this legislation and for convening this hearing. It provides an important forum for considering critical problems affecting the national parks and complements the workshops held by Sen. Wallop in 1981 and 1982 on approaches to park acquisition and protection.

Mr. Chairman, The Foundation believes there is a need for comprehensive legislation addressing problems from activities external to the parks which impair their wildlife and other natural resources, aesthetics, and the rich cultural resources of

many units. Because of the vulnerability of some park animals to ecological disturbances outside the parks, this legislation is an important step in dealing with problems originating beyond park boundaries. Today, I will limit my comments to wildlife and fish, since that is the purview of the subcommittee and the focus of this legislation. It should be kept in mind, however, that other natural resources and significant cultural resources of the parks also are being affected by the activities of their neighbors and must not be neglected.

The Wildlife and the Parks Act, of course, is modeled after the Coastal Barrier Resources Act of 1982 (CBRA) which you sponsored. The Foundation believes that that act, which removes federal incentives and subsides for development, provides a strong measure of protection for those undeveloped coastal areas of high ecological, scenic, and recreational value. We believe the Coastal Barrier Resources Act could serve as a model for legislation to provide similiar protection for other ecologically sensitive areas. This is why we particularly welcome your initiative in applying the model of the Coastal Barrier Resources Act to the National Parks. We believe it has promise. However, if this model is to be successfully applied to other types of lands and waters, it must be carefully drafted to deal with the particular resources and values of the lands and waters to be protected and the nature and degree of the problems. If this is not the case, future opportunities to protect valuable national resources may be lost. This the nation cannot afford. Thus our comments today are offered in the spirit of a constructive contribution to the perfecting of the protective approach embodied in this legislation.

The Wildlife and the Parks Act is aimed at protecting wildlife which are integral components of the parks ecosystems; and elements of the nation's wildlife legacy. The problems are indeed serious. The Foundation's 1978 study and concurrent research by the National Parks and Conservation Association identified a number of activities outside the parks which affect the parks' wildlife and fish. The Park Service's State of the Parks--1980 report confirmed our findings. These problems originate on non-federal lands as well as lands under the jurisdiction of another federal agency. Indeed, major problems at many units are caused by activities on private lands outside established park boundaries.

In considering this legislation, it is important to keep in mind that there is tremendous variability among the units of the system in size, significance of resources, use, and land ownership patterns. Yellowstone, with more than 2 million acres under Park Service management and encompassing superlative natural resources, is nearly surrounded by other federal land. By contrast, Cape Hatteras National Seashore's 30,000 acres are pocked with long-established and historic settlements which are outside the authorized boundary. Cape Hatteras incorporates a National Wildlife Refuge, but there are no adjacent federal lands

except for some relatively small Coast Guard installations. As with Yellowstone, there is rich wildlife at Hatteras--though perhaps not as spectacular as Yellowstone's grizzlies.

Moreover, boundaries of most of the parks were drawn along political, not ecological lines. This has resulted in two kinds of problems affecting the parks' wildlife and fish. First, critical habitat for some animals lies outside the parks, and destruction of the critical habitat component outside the parks will lead to the elimination of animals which depend upon that habitat. Elk, for example, move from high mountain summer range inside parks to low elevation areas outside the parks in the winter; not only must the winter habitat be maintained, but there also must be corridors to permit migration. Second, activities outside the parks, particularly those which impair water quality or alter natural flows, can degrade fish and wildlife habitat within a park. As we read it, the Wildlife and the Parks Act of 1984 clearly deals with the first situation, insofar as habitat is affected adversely by federal programs on adjacent federal land, or by federally-supported activities on non-federal lands within a parks' boundary. As written, it does not deal directly with the second problem, where an activity on federal land outside the park degrades habitat in the park. Section 603(e), defining a "contiguous ecologically related federally managed area," read in conjunction with Sec. 604(a) might be so construed as to deal with this situation, but we believe the act should address this situation more explicitly.

The remainder of my testimony today will address three elements of the legislation: Definition of native species and criteria for wildlife habitat resource areas; provisions for interagency review and consultation; the reporting provisions of the act; and an issue which is critical to the act's implementation--the Park Service's science capability.

1. Native Species and Wildlife Resource Habitat Areas

As expressed earlier, The Foundation believes the approach of the Coastal Barrier Resources Act has promise in protecting other sensitive areas--including the national parks. It is in the long-term interest of this approach that the legislation be biologically and ecologically sound. This will require, in The Foundation's opinion, a clear definition of what constitutes "native species" to be protected and guidelines for designating wildlife resources habitat areas.

The vague and imprecise definition of "native species" raises a number of questions. For example, does it apply to species which were once present in a park and might be re-introduced in the future? The Park Service defines native species as those which "occur or occurred" naturally, which would seem to include re-introduced species. The act should contain language that makes explicit its coverage of species which are re-introduced to former ranges for conservation purposes,

especially the re-introduction of endangered species under provisions of the Endangered Species Act. This would be consistent with the act's objective of saving taxpayers' money. Why should the federal government spend money to re-establish a species, and more money for activities which might imperil it?

Further, animal ranges, even in natural areas undisturbed by nature, are not static. Species do migrate and colonize new areas. It is possible that a species which never, to our knowledge, has occupied a given park might move into it. Is outside-the-park habitat for this species to be protected?

The terminology of the definition of native species---those found primarily within units of the system, and which require habitats predominately within a unit raises questions about the bill's applicability to species which are highly migratory. Some species of birds, for example, use parks for only brief periods and critical habitat lies along a migration route which may be thousands of miles long. The requirement that the wildlife habitat resource areas be limited to a "contiguous ecologically related federal area" seems to rule out distant habitats. What protection, if any, might highly migratory species be provided by legislation such as this? The question is a difficult one but should be considered. One solution might be to exclude highly migratory species for now, but require the Park Service to study the matter and provide recommendations to the Congress later.

The definition of "native species" is important because it will ultimately determine what lands and waters are to be designated wildlife resource habitat areas.

To deal with the myriad problems affecting different park system units, The Foundation believes that the Park Service should be required to identify beyond-park-boundary "areas of critical park concern" with specified purposes for each system unit. The wildlife resource habitat areas provided for in this legislation would, in effect constitute one class of area of critical park concern.

As with the designation of undeveloped coastal barriers, the designation of wildlife resource habitat areas will be controversial. We believe Congress should provide guidance on what is to be included in these areas. There are at least two possible approaches. One, a wildlife resource habitat area might be limited to essential habitat components needed by a specific species of concern. Two, the wildlife resources habitat areas could encompass broader ecological units which are essential for a community of animals and plants. In either situation, the act as drafted leaves it up to the Secretary of Interior to determine if a proposed activity in the designated area will be detrimental to park wildlife.

The first approach has advantages in that control would be applied to relatively small areas, thus reducing concerns by

other agencies that management would be affected on large expanses of land. In most cases, however, the smaller the area, the tighter the controls needed to ensure protection. Further, trying for unattainable precision in designating boundaries of the areas might invite gerrymandered boundaries and the risk of errors, such as the exclusion of portions of an ecosystem essential to the health of the specific habitats. While the second, or ecosystem unit approach, might heighten concerns by other agencies that large areas would be affected, designation of larger areas might offer greater opportunties for compromise on the kinds of activities and their location in the area. In some cases, say the protection of a migration corridor, there may be several possibilities one or more of which would satisfy wildlife needs while causing minimum interference with the other agency's activities.

On balance, The Foundation favors the designation of ecological units, leaving it to the Park Service and the other federal agency to negotiate a management plan that will meet the needs of park wildlife. In any event, a process to resolve disputes between the affected federal agency and the Park Service should be put into place to ensure the effective implementation of the act. We believe the legislation should provide for the designation of resonable ecological units and, as we suggest in the following section on interagency review, provide a means whereby the Park Service and the other agency would negotiate the boundaries of the area and means of protection.

Since the definition of native species and guidelines for wildlife resource areas are critical to the implementation of this legislation, we recommend that the subcommittee enlist the assistance of ecologists, wildlife biologists, and experts from other disciplines to help it perfect these provisions of the bill.

2. Inter-agency Review and Consultation

This legislation stems in part from a feeling that NEPA and other review and coordination processes do not adequately protect park resources. NEPA is not, in itself, a dispute-resolution mechanism. It is procedural and is simply intended to require that information be gathered and considered when a decision is made. Indeed, evidence at hand indicates that NEPA is not working as it should; there have been instances in which another federal agency played down--or even ignored--impacts to a park when preparing an EIS. Further, the Park Service has little leverage to compel other agencies to consider park values and evaluate alternatives which will not impair park resources. New legislation is needed to protect the parks. But in crafting legislation Congress should develop an approach which minimizes inter-agency conflicts and leads to their resolution. We believe it unwise to give the Park Service a veto over what takes place on adjacent federal lands. It would lead to inter-agency conflict and antagonism that would be counter-productive in the

long term. It would lead to a perception of the Park Service as a bossy neighbor, not a responsible steward.

The Foundation does believe--as is the intent of this legislation--that the Park Service should be given additional leverage in cases affecting significant park resources to make other agencies do more than just allow consultation, as provided by NEPA. What must be avoided, in our view, is an either/or approach whereby either the Service gets its way, or the competing agency gets final say. What is required is a process which assures that the Park Service's views will be heard and which encourages negotiation and agreement. There are models; the Fish and Wildlife Coordination Act, the Endangered Species Act, and more recently, the agreement by the Corps of Engineers to assure that other federal and state resources agencies have an opportunity to review and comment on Sec. 404 dredge and fill permits affecting isolated or low-water-flow wetlands.

The Endangered Species Act as amended (ESA) might provide a useful model of a process for resolving inter-agency differences over projects which might adversely affect a national park. ESA allows developments to proceed if an acceptable conservation/mitigation plan is adopted. That act not only allows the Fish and Wildlife Service a strong say in projects that affect endangered species and their critical habitats, but sets up a negotiation process that prompts agencies to search for a concensus and ways to mitigate adverse impacts. This process, with some modification, might be applied to the resolution of inter-agency differences over projects which might adversely affect a park's wildlife.

The process need not be cumbersome: the designation of specific areas of concern would limit the territory within which activities were subject to negotiation. Its integration with the land management processes of the Bureau of Land Management and Forest Service might avoid the need for negotiation over every activity and further simplify the process. We have additional suggestions for such a procedure which while relatively simple in implementation would require a more detailed explanation than is possible in this testimony. We would be pleased to provide further information to the subcommittee.

3. The Biannual Report to Congress

The provision of this legislation Sec. 607(b) requiring a biannual report to the Congress deserves emphasis. The Foundation believes that periodic, public reports would contribute to good land and resources management. They are essential for implementing laws, such as this one, designed to protect park resources. They could reduce the chances that small, manageable problems will grow into big, unmanageable ones through inattention; they could provide Congress with information it needs to carry out its authorization and appropriations responsibilities; they could help the agency establish

priorities; and they could provide Congress and the public with a way to measure progress the agency was making in dealing with problems. Further, these periodic reports should be integral components of a systematic National Park Service program planning process.

Since the State of the Parks--1980 (prepared at the request of the Congress), the Park Service has published no updated assessment of the extent and severity of threats to the units of the system or its progress in aleviating the problems identified in the 1980 report. The Park Service is collecting information about the parks, much of it in newly-prepared Resources Management Plans for each unit. However, this information has not been arrayed in any coherent fashion; it remains fragmented and dispersed. While it is true that Congress can request information from the agency, the absence of a comprehensive, up-to-date report on the state of the parks, action being taken, further action required, and progress toward achievement of goals, undoubtedly hinders Congress in its responsibilities. Further, much of the information remains inaccessable to the general public, whose support is needed for legislation and programs. While we believe that the Park Service could on its own initiative undertake to prepare such periodic reports, it has not done so. Thus the only recourse is for the Congress to require by statute the preparation of periodic reports by the Park Service.

The Foundation believes that the reporting requirements contained in this bill should be strengthened. Specifically, we believe that this legislation should require that each biannual report do four things:

1. Provide an assessment of the status of wildlife and fish system-wide, identifying major problems arising from activities inside and outside the parks.

2. Advise as to whether present authorities, policies, and management programs system-wide and for individual units are adequate to protect fish and wildlife populations.

3. Set forth a plan of action for dealing with the problems, including funds and personnel required.

4. Report on progfess made to correct the problems in the period since the previous biannual report.

The legislation also should provide for public review of the draft of the report so as to enlist the assistance of interested outside experts in identifying problems and developing solutions.

4. National Park Service Capability

The effective implementation of this legislation hinges in large part upon the scientific capability of the Park Service. We have serious questions about the Park Service's science capability that should be addressed by this subcommittee.

As of January of this year, according to information provided us by the Park Service, the Park Service had nine persons classified as wildlife biologists distributed among six of the 10 Park Service regions. There were a like number--nine--fisheries biologists distributed among five regions. There were a total of 25 ecologists in the Service, spread among four regions, the Denver Service Center, and the Washington office. These are the specialists who presumably would play primary roles in implementing this act. There are an additional 133 personnel in the general biological sciences category, who might also contribute, as might the few specialists in other fields, such as hydrology and geology. The fact remains, however, that the Park Service has less than 200 personnel, out of a total of more than 16,000 full-time employees, in the primary disciplines dealing with wildlife, fish, ecology, and the biological sciences generally. Further, it is not clear from the data if even these personnel work full-time in their area of expertise.

The Service clearly needs people and funds to inventory species and populations, monitor changes, identify the causes of problems and devise corrective action. All this is required as a matter of day-to-day field management. It is significant that in its 1981 report (also prepared at the request of Congress) on a strategy to prevent and mitigate resources management problems, the Park Service noted:

> If the Service is to properly fulfill its mandates to preserve, protect, and manage park resources, it must improve its capabilities to better qualify and document the impacts of various threats. This will require that the Service significantly expand its research capabilities.

There has been some improvements, to be sure. The Service's program of training natural resources specialists in the parks, for example, is a significant step forward in increasing the Service's scientific and resources management capability. However, this subcommittee should ensure that sufficient capability does exist in the Park Service to carry out this act and other responsibilities in protecting park resources.

Mr. Chairman, The Foundation's comments and suggestions for changes are intended to strengthen legislation which we believe has promise. It is a crucial first step in addressing the many serious problems facing the parks from activities beyond their boundaries.

Dealing with impacts originating from adjacent federal lands, as provided by this legislation, is an important first step. The federal government cannot ask other landowners to care for the parks if its own house is not in order. However, the act does not deal immediately with some of the most complex cases---federally supported activity on non-federal lands outside the parks.

The Foundation has found that the threats from activities on private lands outside park boundaries are substantial, and for many parks, particularly in the East, are the sole source of problems. Some of these are conducted with federal assistance or under federal permit. At Everglades National Park, for example, the very serious threats to wildlife stem not from activities on adjacent federal land, but rather development on non-federal land around the park and water projects of the state and Corps of Engineers. Addressing these problems will require attention to federally-supported activities on non-federal lands.

At some point we will have to reach consensus about what to do about impacts from private and other non-federal lands outside the parks. We commend you, Mr. Chairman for including provisions directing the Park Service to study and recommend action to deal with federally-supported activities on non-federal lands outside the parks which provide essential habitat for park wildlife. Unless the protection provided by this act is applied to these lands, the legislation mainly will benefit a relatively few large Western parks, offering little or no protection to most parks in the Eastern U.S.

In conclusion, The Foundation is interested in examining ways in which the model provided by the Coastal Barrier Resources Act can be refined and applied to other sensitive and valuable natural systems. We believe that that model can usefully be applied to some of the critical problems facing the national parks. The Foundation would be most willing to work with you and the subcommittee as it continues to shape this important legislation.

STATEMENT OF HERBERT E. DOIG, CHAIRMAN, IAFWA LEGISLATIVE COMMITTEE, TO SENATE ENVIRONMENTAL POLLUTION SUBCOMMITTEE ON WILDLIFE AND PARKS ACT OF 1984, JUNE 27, 1984.

Mr. Chairman, members of the Committee, my name is Herbert E. Doig and I am the Assistant Commissioner for Fish, Wildlife and Marine Resources for the New York State Department of Environmental Conservation. I also serve the International Association of Fish and Wildlife Agencies as its Legislative Committee Chairman and am here today in that capacity.

Mr. Chairman, we appreciate this opportunity to present the views of the International Association of Fish and Wildlife Agencies on the Wildlife and the Parks Act of 1984. As you know, the International Association's membership includes the 50 state fish and wildlife managing agencies as well as the U.S. Fish and Wildlife Service. Collectively, the state and federal agencies have a shared responsibility for the management of fish and wildlife resources. A fundamental and basic concern of these agencies is the protection of fish and wildlife habitat. Habitat modification, degradation and loss is a survival issue and is criticle to successful management of fish and wildlife resources. As you might expect, the shared responsibility for managing fish and wildlife resources on various classes of land poses complex jurisdictional questions.

Mr. Chairman, for the moment we will limit our testimony to simply commenting on the major features of the legislation which cause us concern and later submit a more detailed analysis of the proposal for the record.

First, the bill places agencies of the Federal government in the position of making management decisions with respect to fish and wildlife resources which are the management responsibility of the state agencies. And, since a portion of the measure relates to federal lands adjacent to park boundaries, it also raises jurisdictional questions between federal agencies -- not just between the Fish and Wildlife Service and the National Park Service but between the Forest Service and Park Service, the Bureau of Land Management and the Park Service and the Bureau of Reclamation and the Park Service.

The proposal also places the Park Service in the position of making management decisions on many types of activities on private lands which are adjacent to parks and where federal money is being spent.

Federal management programs have frequently exhibited characteristics that have made them less effective than those carried out by the States. Preemption of State prerogatives therefore may in actuality make it more difficult to respond to the needs of fish and wildlife resources than those currently in place. It would seem more appropriate to build upon current capabilitites and cooperative mechanisms between the states and the federal agencies rather than superimpose a new management system upon them.

Existing Pittman-Robertson and Dingell-Johnson projects are not exempt from the provisions of the proposal. These projects, many of which are designed to address problems associated with species and populations that inhabitat lands that are contiguous with NPS units and National Wildlife Refuges, could be subjected to extensive and time

consuming procedures to satisfy the "no detriment" and "consistency" determinations required by the act. The vagueness and imprecision in the wording of the Act further exaserbate this problem.

Management policies of State and Federal agencies frequently differ with regard to land and resource uses that impact fish and wildlife. While such variability is understandable and in some cases appropriate recognizing the nature of the management objectives of the agency with jurisdiction, the restrictive policies of the National Park Service toward recreational hunting and fishing is inconsistent with the management programs of the states and other federal agencies. This conflict if applied to contiguous designated areas as a matter of policy could result in major jurisdictional disputes and have detrimental affects on the resources the Act is intending to benefit.

It is difficult, if not impossible, to tie the proposal exclusively to habitat without identifying the management objectives in terms of fish and wildlife species. There are some very practical problems. Some animals range many miles from Park boundaries. Examples are the coyote, wolf and bear. And what of the raptorial birds -- the eagles for example. Where does Park authority and influence begin and end?

Subjective judgment of "optimum" population levels of individual species would create inconsistancies in the integrated management of wildlife populations both within and outside the park unit boundaries. Resolution of these kinds of resource conflicts can best be accomplished through cooperative State/Federal actions rather than through assignment of jurisdictional responsibility to the Park Service.

. This is not the first time this concept has been considered. We are attaching a copy of Resolution #3 adopted by the International Association in 1976. Its point was and continues to be that the International Association of Fish and Wildlife Agencies opposes the expansion of parks solely for the purpose of encompassing the ecosystem of one or more species of wildlife; and that jurisdiction over fish and resident wildlife as well as the management thereof, shall be expressly reserved unto the respective state or states."

Mr. Chairman, as stated, we consider the maintenance of habitat to be a survival issue and we are quick to acknowledge that some activities adjacent to park lands are often of concern -- overgrazing, timber and agricultural practices and so on. Nevertheless, we believe that there are sufficient mechanisms now in place -- sufficient legislative and coordinating authorities to resolve these without placing the Park Service in an untenable position with respect to its own constituency and also, its relationship with other agencies having principal responsibility for the fish and wildlife beneficiaries of the proposed amendment. It is, therefore, with regret that we advise that this Association must oppose the proposal in its present form.

Resolution 3

NATIONAL PARK SERVICE WILDLIFE MANAGEMENT POLICY

WHEREAS, the National Park Service has endorsed a policy of "self-regulation" for wildlife populations within National Parks which would subject animals only to natural mortality factors such as predators, parasites, disease and starvation; and

WHEREAS, in the case of large herbivores, such a policy usually results in deterioration of the forage, soil resources, and quality of waters essential to wildlife populations long before natural mortality brings the populations in balance with food supplies; and

WHEREAS, natural migrations to and from the Parks, as well as forced emigration from the Parks, could result in damage to forage and soil resources outside the Parks, and could also expedite the transmission of parasites and disease to healthy animals; and

WHEREAS, the National Park Service, in an endeavor to make the "self-regulation" policy succeed is advocating major expansions of National Parks to completely encompass wildlife ecosystems; and

WHEREAS, expansion of National Park boundaries in many instances would encroach on National Forest lands and preclude sport hunting, an acknowledged means of controlling overpopulations of wildlife; and

WHEREAS, this loss of control over wildlife populations would result in a substantial loss of recreational hunting and fishing, as well as a waste of animal protein;

NOW, THEREFORE, BE IT RESOLVED, that the International Association of Fish and Wildlife Agencies opposes the expansion of parks solely for the purpose of encompassing the ecosystem of one or more species of wildlife; and that jurisdiction over fish and resident wildlife as well as the management thereof, shall be expressly reserved unto the respective state or states.

The Big Sky Country

MONTANA STATE HOUSE OF REPRESENTATIVES

REPRESENTATIVE BERNIE SWIFT
HOUSE DISTRICT 91
HELENA ADDRESS:
CAPITOL STATION
HELENA, MONTANA 59620
HOME ADDRESS:
SE 206 ROSE LANE
HAMILTON, MONTANA 59840

COMMITTEES:
R&H, WILDLIFE & PARKS
HUMAN SERVICES

Hamilton, Mt. 59840
June 22, 1984

Honorable John Chafee, Chairman
Environmental Pollution Subcommittee
U.S. Senate
Wash., D.C. 20510 Testimony for the Record S.978

Dear Senator Chafee:

This is written to inform you and other members of your Environmental Pollution Subcommittee that myself and many of my constituents in Montana strongly disagree with your proposed Legislation S 978 Wildlife and Parks Act and Rep. John Seiberlings H.R. 2379-1983 Parks Protection Act.

Both of the above noted bills are excessively broad in that they override all current Federal Agency authority adjacent to National Parks regardless of agency ownership, responsibilities, purpose etc. of the adjacent properties. There is no limit to distance outside of park boundaries where park authority would be in force, would mandate millions of dollars of expenditure on the part of Federal and private individuals, organizations and agencies. It would drastically affect inholders of uses, property, individual access, etc. of persons within boundaries of Federal or State managed areas which is not only unduly costly and impacting to these people, but deprives them of their legal-constitutional rights.

Lastly and in conjunction with the above comments, both of these Bills would amount to involuntary taking of private lands and individuals freedoms and rights. This in my view is not only morally and legally wrong, but amounts to dictatorial Governmental action. Is this the way our Federal Legislators are to perform under the Constitution and Bill of Rights? I believe you know the answer to that question.

In view of the above and the drastic impacts these Bills would cause to the people and economy of Montana and other Western States, I strongly implore you, other members of your committee, and the U.S. Senate committee of the whole, to table and/or kill these park protection Bills. These areas are totally protected now by law.

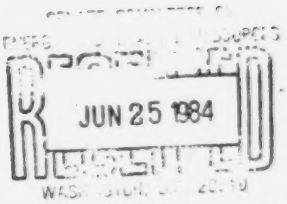
Sincerely,

Bernie Swift

CC: Senators Melcher, Baucus
Rep. Marlenee and Williams

June 20, 1984

Honorable James McClure, Chairman
Energy & Natural Resources Committee
Washington, D.C. 20510



RE: TESTIMONY FOR THE RECORD

Dear Honorable McClure,

We have just been made aware of a bill before the Senate (S.978) and also H.R. 2379 which would create a Buffer Zone around the National Park. That is on the outside of the Park.

We strongly oppose S.978 (Wildlife and the Parks Act) and H.R. 2379 (Park Protection Act - Buffer Zone Bill). If they want a Buffer Zone let them have it inside the National Parks not on the outside of the Parks on private land.

If these bills are passed and become law they will take away the rights of private ownership which the United States Constitution guaranteed to all its citizens.

We are in the livestock business and are having a real struggle trying to make ends meet and keep our bills paid and food on the table for our families. We feel the government is overstepping their role and are putting an added burden on private individuals who make a living out of the soil, and who are trying to produce food and fiber for a hungrey world.

We would appreciate your support in defeating these bills.

Sincerely,
Dennis Lee Bauer
Forrest Q Bauer

Dennis Lee Bauer
Forest Q. Bauer

June 28, 1984

✓Honorable John Chafee,

Honorable James McClure,

Honorable Malcolm Wallop,

Honorable Howard H Baker,
U. S. Senate,
Washington, D. C.,
20510

RE: Testimony for the Record
S.978 and H. R. 2379

We urge that you strongly oppose S.978 (Wildlife and the Parks Act) and H. R. 2379 (Park Protection Act - "Buffer Zone Bill"). Passage of the above could further strangle private landowners and reduce the value of their land in order to help the government acquire it at prices below present market level. No government should be allowed to enact rules, regulations and ordinances that take owners rights and/or property without just compensation. Private-Property rights must be protected by all levels of government.

Passage would also create a whole new category of federal lands, the boundaries of which would extend beyond park units and overlap private lands as well as other government lands. The "Buffer Zone Bill" alone would give Park Superintendents considerable control over all federal money to be spent in an area as much as ten (10) miles back from any river boundary. With this kind of power, park superintendents could coerce local governments into downzoning or restricting property in order to receive federal funds for local sewers, water and other needed projects. What local political boss ever had such power ?

Sincerely,

William W. Berger,

Natalie A. Berger,
875 Lancaster Rd,
DeLand, FL
32720

26800 W. Mulholland Hwy
Calabasas, Ca. 91302
June 23, 1984

Honorable John Chafee, chairman
Environmental Pollution Subcommittee
U.S. Senate
Washington, D.C 20510

Dear Sir:

Testimony for the record

I strongly oppose S. 978 (Wildlife & Parks Act) and H.R. 2379 (Park Protection Act - "Buffer Zone Bill")

Two reasons - & there are more:

It would tie up our resources even more than they are now. This leads to our need to protect resources in other countries - sending men with a possibility of war!

Also its wording is so imprecise that it would impinge on private property rights, expand powers of park superintendents to downzone and restrict property, etc.

Yours truly,

Ruth Bolton

37-460 O - 84 - 10

URGENT URGENT URGENT

"TESTIMONY FOR THE RECOD"
PUBLIC HEARING - JUNE 27, 1984
"BUFFER ZONE BILL"

June 26, 1984.

Honorable John Chafee, Chairman
Environmental Pollution Subcommittee
U.S. Senate
Washington, D.C. 20510

Dear Mr. Chairman Chafee:

I strongly oppose Bill S-978(Wildlife & Parks Act) and H.R. 2379(Park Protection Act-"Buffer Zone Bill".) because myself, family and neighbors would be taken in at once if this bill does pass.

This letter is TESTIMONY FOR THE RECORD on public Hearing-June 27, 1984.

Thanking you inadvance for your help inthis matter.

Sincerely yours,

EVERETT F. COX

CC: Jesse Helms, Senator
John East,Senator
Robert. B. Jones, Congressman
NIA Hdgs.

Cuyahoga Valley Homeowners and Residents Association
~~P.O. BOX 131 PENINSULA, OHIO 44264~~
3634 Oak Hill Road Peninsula, Ohio 44264

June 26, 1984

Honorable John Chafee, Chairman
Environmental Pollution Subcommittee
United States Senate
Washington, D. C. 20510

RE: Testimony For The Record
S 978 HR 2379

Senator Chaffee:

Our organization represents the remaining residents in the Cuyahoga Valley National Recreation Area, and also I represent Boston Township on their Planning and Zoning Committee and the Communities Council.

We strongly urge that S=978 (Wildlife and Parks Act) and HR 2379 ("Buffer Zone Bill") NOT be passed.

Yours truly,

Martin J. Griffith
Chairman,
Cuyahoga Valley Homeowners
and Residents Association

MJG/maf

TESTIMONY FOR THE RECORD

A. H. Honeycutt
Emelda T. Honeycutt
1521 Carnation Avenue
Metairie, La. 70001

June 21, 1984

Honorable J. Bennet Johnson
U.S. Senate
Washington, D.C. 20510

Dear Senator Johnson:

We are strongly opposed to S. 978 and H.R.2379.

Any one fortunate enough to own land and unfortunate enough to have to deal with laws, rules, regulations and governors of a National Park should not be further burdened with the additional restrictions placed upon the use and enjoyment of their property by S.978 and H.R.2379.

Park systems are more than adequately protected by laws, rules and regulations governing activity in or near the parks, core areas, and park protection zones.

The additional regulations of S.978 and H.R.2379 will further impact land values and owners rights to enjoy their property in and near parks, park protection zones, proposed and potential wildlife resource habitat areas.

We urge you to oppose S.978 and H.R.2379.

Yours very truly,

A. H. Honeycutt

Emelda T. Honeycutt

Emelda T Honeycutt

TO GO ON RECORD

June 23, 1984

Honorable John Chafee, Chairman:

The bill S.978 is imprecise. It would allow the Park Superintendent too much power over Federal lands to create W.R.H.A.'s; Wildlife would not be limited to just endangered species; We would have no protection for our park system; It would tie up Federal funds for multiple use. We would have higher costs, lose our resources and also our jobs.

I urge you to please review the Bill S. 978.

Thank you.

Sincerely yours,

Lori A. Jenkins
1508½ Williams St.
Helena, Montana
59601

June 26, 1984
P. O. Box 81093
College, Alaska 99708

Honorable John Chaffee, Chairman
Environmental Pollution Subcommittee
U.S. Senate
Washington, D.C. 20510

Dear Senator Chaffee,

It has just come to my attention that the Senate will be holding hearings tommorow on Bill S.978. I am taking time from my very busy day (my husband and I are building our own home) to write this letter in the hope that it will arrive on time to be included in the record of these hearings.

We are property owners in the Wrangell-St. Elias Preserve. My husband acquired property in Chisana, Alaska, before the area was established as a Park. His family has a history in this gold mining town dating back to the pre-war years in the 1940's. And, he has been a regular user of the area since age three. I was introduced to the area during our courtship three years ago and have grown to not only love this area for its incredible beauty but to consider Chisana one of the touchstones of our marriage. There is one very large problem however, that we are now forced to deal with--The National Park Service. Because of our experiences with the Park Service over the last three years we feel it is absolutely necessary to oppose in the strongest terms possible passage of S.978.

It is my understanding that this bill will create a new catagory of federal lands which will affect federal funding in and outside of parks, and that these new boundaries will be determined at the descretion of the local Park Superintendent. Given this new power, my experience tells me that it will be abused. I have never seen a superintendent manage in a balanced fashion. Rather, time and again, I have seen park officials' actions reflect the aims of a vocal and active, extremist minority calling themselves environmentalists. These politically active groups do not represent the attitudes of the majority of silent Americans. Even those who support these groups from their armchairs would quickly withdraw it if they were to become aware of the way these bureaucrats operate at the fringes of our laws and disregard the rights of American citizens. Therefore, the first reason I oppose S.978 is that it will give too much power to Park Superintendents at a time when it is necessary to reduce their power. Although the above reason is closest to home, the following are by far as important to me, which I will enumerate:

1. Park boundaries must end somewhere. Allowing the Park Service to have jurisdiction on activities outside its boundaries is tantamount to expanding park acreage. I believe this requires a special act of congress, particularly because private holdings and municipalities will be affected.

2. Areas adjacent to parks will be blackmailed into doing the bidding of the overlord park superintendent in order to retain federal funding for local projects. This means local communities will not be able to set the course of their own future because the demands of the park officials are most likely to be against development of local assets and private property. We are supposed to be citizens of a free country, not a fuedal one.

3. The new catagory of "Wildlife Resource Habitat Areas" is ill-defined. Thus, almost any type of land can be grabbed under this classification if it suits the aims of the local park officials. If such a new classification is made it needs to be CLEARLY DELINEATED TO PROTECT THE RIGHTS AND PROPERTY OF ALL AMERICAN CITIZENS.

4. This type of legislation is guaranteed to tie up use of federal funds in litigation by opposition from park officials to projects on private lands and outside the parks. We need good clear laws with a purpose, not laws which only serve to snarl up the operations of our daily lives, deny us job opportunities and the right to develop our resources in a responsible manner for our future security.

5. Our parks are already protected by a battery of laws. This legislation is redundant.

6. A brief conversation with any in-holder chosen at random will give you an idea of how poor park employees are at public relations. This bill would set them loose on people who normally would have no dealings with the park service. The image of the Park Service and our National Parks would then begin to tarnish in the public arena.

7. If the power of park officials is increased outside of parks it is logical that it will also increase inside the parks and adversely affect in holders. I fear this bill could add fuel to the Park acquisition machine and artificially reduce our property values. If this sort of business were done in the private sector our legislators would gasp and wag their fingers. Isn't it also necessary for our government to operate ethically?

It is my sincere hope that this bill will not be passed.

Sincerely,

Cynthia L. Johnson + George R.I. Johnson, Ej

Cynthia L. Johnson and George R.I. Johnson

cc: Senator Frank Murkowski
Senator Ted Stevens
Senator James McClure, Chrmn., Energy & Natural Resources Comm.
Senator Malcolm Wallop Chrmn., Public Lands & Reserved Water Sub-Comm.
Senate Committee on Environment & Public Works

June 22, 1984

Senator James A. McClure
Chairman, Energy and Natural Resources Committee
Dirkson Office Building, Rm. 361
Washington, D.C. 20510

Dear Senator McClure:

I am writing urging the rejection of the Park Buffer Zone Bill, HR2379. The abusement of private land owners in this country has already gone to far, please do not let this bill, HR2379 be passed. I think it is wrong for so much control of our land to be in the hands of a few men in the Interior Department and Washington. There has been more than enough legislation passed in the last fifteen years for the protection of the land, water, air and other natural resources.

Thank you Mr. Senator.

Sincerely,

Katherine Kay

Katherine Kay

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
JUN 28 1984

Katherine Kay
1206 SE 5TH St.
Minneapolis, MN
55414

July 5, 1984

Mr. Steve Shimberg
Committee on Public Works, Staff Person
Senator Dirksen Building
Washington, D.C. 20510

e: Amendment to the Wildlife and Parks Act (S 978) and Park Protection and Buffer Zone Bill (H.R. 2379).

Dear Mr. Shimberg,

I wish to have my concern regarding the above two bills entered as hearing testimony.

Under present law, park superintendents have control over their park lands and can acquire through land exchange or purchase additional private lands when needed. A park superintendent is just another individual. If you give him permissive tools, he will use them at the expense of the personal rights of an adjacent land owner.

It is wrong to impose a law which allows park superintendents <u>any</u> power over lands adjacent to Park areas. This type of permissiveness is the most insidious kind of confiscation. If buffer zones are needed, contract for them.

Creating wilderness resource habital areas under this loosely written legislation and taking away the right to due process of adjacent land owners will invite tremendous litigation and make many enemies.

I cannot believe that Republicans would propose such Unamerican legislation, particularly in an election year.

Sincerely,

Florence L. Landon

Florence L. Landon
P.O. Box 142
Glendora, California 91740

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
JUN 26 1984

Hillsville Va
June 22 - 84

Honorable James McClure
U.S. Senate
Washington D.C.

I am very much concerned about Bill no S 978 and no H.R. 2379, I want this to go for records I am inholder on Blue Ridge park Way in Carroll County Va. Don't think any one should be given power to restrict one land. We are a farming community, and from gen. of experience know best, dont need advice from any government. please let us a lone. I am one that believes in Homon Rights here in USA. if we dont have here why bother a bout others? also very concerned about private road Crossing especialy to family cemetarys. where they no one to keep road up if relocated in yrs. to come. so to bill no. S 978 and H.R. 2379. We are opposed Not Me Only but all I know in this area. would you please send me a copy of these Bills Thank you.

Lillie Mabry
R 5 Box 280
Hillsville Va 24343

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SENATOR JOHN CHAFFEE
CHAIRMAN ENVIORNMENTAL POLUTION SUBCOMMITTEE
CAPITOL ONE DC 20510

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, STATE OF CALIFORNIA HAS, BY APPROPRIATE RESOLUTION, DIRECTED THE UNDERSIGNED TO FORWARD THIS LETTER TO YOUR SUBCOMMITTEE. THE MARIPOSA COUNTY BOARD OF SUPERVISORS ARE STRONGLY OPPOSED TO PROPOSED SENATE BILL 8978 AND PROPOSED HOUSE BILL HR2379.

PLEASE ENTER THIS LETTER INTO THE RECORD OF YOUR SUBCOMMITTEE HEARING SCHEDULED FOR JUNE 27, 1984.

VERY TRULY YOURS,

GERTRUDE R TABER
CHARIMAN
BOARD OF SUPERVISORS
(MARIPOSA COUNTY BOARD OF SUPERVISORS)
PO BOX 247
MARIPOSA CA 95338

JOHN C. MILLER
FIRST NATIONAL CENTER, SUITE 1384
OKLAHOMA CITY, OKLAHOMA 73102
TELEPHONE (405) 236-2831

June 21, 1984

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
JUN 26 1984

Honorable John Chafee, Chairman
Environmental Pollution Subcommittee
U.S. Senate
Washington, D.C. 20510

Re: S.978
H.R. 2379

Dear Senator Chafee:

I am writing to urge that the bills S.978 and H.R. 2379 not be passed.

I own a small tract of land with a cabin in the Rocky Mountain National Park. This property has been in our family since 1912 and we have used it harmoniously with the National Park Service before and after it was formed. I do not believe that this bill should be passed to enlarge the powers of Park Superintendents over the use of private property when there has been clearly no conflict all these years.

Again, please vigorously oppose the passage of this bill.

Yours very truly,

John C. Miller

JCM:clr

STATEMENT

of the

NATIONAL CATTLEMEN'S ASSOCIATION

Before the

Subcommittee on Environmental Pollution

of the

Committee on Environment and Public Works

U.S. SENATE

Regarding

"Wildlife and Parks Act"

Presented by

Ronald A. Michieli

Vice President Natural Resources
National Cattlemen's Association

June 7, 1984

The National Cattlemen's Association is the national spokesman for all segments of the nation's beef cattle industry--including cattle breeders, producers, and feeders. The NCA represents approximately 245,000 professional cattlemen throughout the country. Membership includes individual members as well as 50 affiliated state cattle associations and 10 affiliated national breed associations.

Mr. Chairman:

The National Cattlemen's Association, the Public Lands Council and the Natinal Wool Growers Association are opposed to the amendment entitled the "Wildlife and Parks Act of 1984", proposed to be added to bill S.978.

This proposal is completely unnecessary; it also is so broadly worded that it would lead to endless litigation wreaking havoc with the orderly planning processes of the federal land management agencies.

There are more fish and wildlife outside of National Parks and fish and wildlife are better managed outside than in the Parks. National Parks are established for many reasons and not primarily for wildlife refuges. When a National Park is established or expanded, it should be done with due consideration of all of the reasons for the Park - considering the functions or purpose of a particular Park and how large an area is needed. We need not expand a park by subterfuge, i.e., by creating unlimited boundaries or buffer zones.

Besides, there's no evidence that wildlife - to select one resource which may or may not be a primary interest in a particular National Park - is not being given proper consideration in federally managed lands outside of Parks under laws such as the National Forest Management Act, the Rangeland and Renewable Resources Planning Act, the Federal Land Policy and Management Act, the Public Rangelands Improvement Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Environmental Policy Act, the Clean Air Act, the Federal Water Pollution Control Act, etc.

On the contrary, it is probably the wildlife in areas adjacent to National Parks which need protection from the relatively poor wildlife management practices of the National Park Service. The Park Service, for example, does not properly control predators which can upset wildlife balance.

This amendment would apply to an unspecified amount of acreage surrounding the 150 National Parks in this country that are over 5,000 acres in size. Of these, 116 are over 25,000 acres. If the wildlife in

these Parks are not at "optimum population levels" - whatever that means--it is primarily due to the management within these Parks. If there are problems within the management of the National Parks, the Secretary of the Interior already has statutory authority to take a number of corrective actions.

The specific examples given for this legislation do not hold up under scrutiny. One purported reason is that it is needed to protect the grizzly bear. The grizzly is already protected under law and the Forest Service already has a grizzly bear recovery program. What could this bill do that is not already being done?

Another example alleges that timber harvesting and oil and gas exploration outside of Glacier National Park may impact upon elk and moose populations. That park covers over 1 million acres; it is bordered on the north by a Canadian national park covering 203 square miles! There are millions of elk and moose in the Western States, not just in the national parks, but on other federal lands and on private lands. These animals are not endangered. At any rate, the federal land management agencies have laws, regulations, and planning processes which consider all wildlife and fish impacts. Do we really want to suspend all timber harvesting, all oil and gas exploration, and turn the entire West into one vast Federal wildlife refuge?

Another reason offered as to why this amendment was drafted mistakenly claims that a Bureau of Land Management policy would allow livestock permittees to gain control of water sources within parks and to exclude wildlife from such water sources. That charge is simply untrue; there is no such policy. A grazing permittee cannot control water sources within parks or on BLM lands. As a matter of fact, a permittee is expressly forbidden from excluding wildlife from any water source, whether developed with his own funds or not.

At any rate, there is relatively little livestock grazing within

only 18 units of the National Park system. BLM administers grazing within six units; the Park Service administers grazing in the rest. (Grazing is being phased out in many units.) Regardless who administers the grazing however, it must be administered under the statutes which apply to a specific park and so as not to be detrimental to the primary purpose for which the Park was established.

The sponsor's explanation of this amendment states that it would "not give the Secretary any new authority over activities on private lands outside the boundaries of the system units of the national parks," adding that "any activity or project funded with or without Federal funds on these lands would not be affected by this legislation."

The very next statement, and the text of the amendment, however, contradicts this assurance. The statement admits that private lands within areas designated as "contiguous ecologically related" to the National Parks would be affected. Since a million-acre National Park is not deemed to be sufficient to achieve "optimum" fish and wildlife populations, it is anyone's guess how many millions of surrounding acres the "wildlife habitat areas" would cover. There is no definition of "ecologically related." Since federal lands and private lands are intermingled, particularly in the Western states, this could encompass millions of acres of private lands.

The amendment also calls for a study to identify and name "ecologically related" private lands that are not necessarily adjacent or contiguous to National Park System units. Presumedly this is so further action to bring such private lands under the land use control of the Secretary of the Interior can be considered at a later time.

As it is, legislation would make the Secretary of the Interior a virtual land-use (and water-use) czar in much of the country. He could, for example, end fishing in the Great Lakes since these waters are contiguous to several units of the National Park System. (Likewise with fishing in other federal waters.) He could also shut down the Central Intelligence Agency headquarters adjacent to the George Washington Memorial Parkway and other federal facilities in other areas. To prevent a federal, state, or private action, or to stop further federal funding,

he doesn't have to show that an affected species of wildlife is threatened or endangered.

However, the Secretary would not have the power to bar an agency from taking action (to "make Federal expenditures") to save lives or the Department of Defense from defending the country in unanticipated emergency situations. All such agencies have to do before taking any action is merely to consult in writing with the Secretary of the Interior, explaining how the emergency action would affect native fish and wildlife populations. Presumedly, the Postal Service or Federal Express would act expeditiously in such situations.

Finally, this legislation would conflict with existing statutes which mandate that the Bureau of Land Management and the Forest Service carry out their programs in accordance with the principles of multiple use and sustained yield. It would also conflict with legal requirements that these agencies try to coordinate their activities with plans and programs of state and local governments.

We urge the defeat of this amendment.

STATEMENT FOR THE RECORD
OF THE NATIONAL FOREST PRODUCTS ASSOCIATION
BEFORE THE SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION
SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
ON AMENDMENT 2807
THE "WILDLIFE AND PARKS ACT"

Headquartered in Washington, D.C., the National Forest Products Association (NFPA) is a federation of 34 regional, product, and species associations, and 15 direct member companies. NFPA represents the growers, manufacturers, and wholesale distributors of solid wood products throughout the United States. A large number of NFPA's members are totally or partially dependent on the availability of a reliable supply of timber from federal lands managed by the United States Forest Service and the Bureau of Land Management. In addition, NFPA member company facilities operate under Clean Water and Clean Air Act permits obtained from states and/or the Environmental Protection Agency (EPA).

NFPA appreciates the opportunity to provide the views of the forest industry on Amendment 2807. Because of the interests described above, we must voice serious concerns with this proposal.

As described by its sponsors, the Amendment would prohibit the expenditure of federal funds for certain activities within: (1) the boundaries of a unit of the National Park System; or (2) any contiguous ecologically-related, federally managed area

designated as a "wildlife resource habitat area" by the Secretary of the Interior. Federal funds will be prohibited if the Secretary determines that the federal expenditure will have a detrimental effect on the population of native fish and wildlife species found in these areas. The prohibition of federal expenditures includes both direct federal financial assistance and the issuance of any necessary permits or leases.

The "findings" section of the Amendment justifies these proscriptions by asserting that native fish and wildlife resources in the National Park System are being threatened or degraded as a result of incompatible activities supported by the federal government. The findings further assert that existing statutory and regulatory mechanisms for protecting resources managed by the National Park Service are currently inadequate.

In our view, this proposal will replicate, and in many instances disrupt, existing mechanisms for the protection of fish and wildlife resources already provided through the National Environmental Policy Act of 1969, the Fish and Wildlife Coordination Act of 1964, the Endangered Species Act of 1973, the Clean Water Act of 1977, the Clean Air Act of 1977, the Federal Land Policy and Management Act of 1976, and the National Forest Management Act of 1976. Each of these statutes provides mechanisms to address the problems described in the findings section of Amendment 2807.

In particular, the National Environmental Policy Act of 1969 (NEPA) -- especially as it is currently being implemented through Executive Order 11991 -- provides an appropriate mechanism to assure that public lands contiguous to National Park System units are managed in a fashion that fully protects national park resources.

NEPA requires all federal agencies to develop environmental impact statements (EIS's) governing major federal actions in order to protect and enhance environmental quality. Executive Order 11991 instructs the Council on Environmental Quality to: (1) monitor and evaluate all environmental impact statements; (2) issue regulations for federal agency implementation of NEPA, with specific provisions for coordinating federal programs; and (3) assure appropriate interagency review of environmental impact statements.

We have seen no evidence to suggest that the Park Service is not being provided adequate opportunity, through its review of environmental impact statements prepared by other federal agencies, to assure that Park Service resources are being adequately protected. If the procedures for interagency review of EIS's are deficient, they can be modified administratively without additional legislation.

As indicated above, our principal interest centers on the management of -- and the availability of adequate timber from --

public lands managed by the U.S. Forest Service. In this context, we believe that Amendment 2807 will serve to confound a relatively orderly land management planning process fostered through passage of the National Forest Management Act of 1976 (NFMA). This process is designed to manage the resources found on individual units of the National Forest System efficiently and for multiple use objectives.

In managing national forest lands, the Forest Service is required by statute to give special consideration to fish and wildlife resources. Specifically, Sections 6(g)(3)(A) and (B) of the National Forest Management Act of 1976 require the Forest Service (in the development of land management plans) to provide for, "outdoor recreation (including wilderness), range, timber, watershed, wildlife, and fish." The Forest Service must also provide for, "diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple use objectives."

This specific statutory mandate has been translated by the Forest Service into extensive regulatory requirements governing the development of land management plans on each national forest. In particular, the Forest Service regulations at 36 CFR § 219.5(a) require that forest land management planning be conducted by inter-disciplinary teams which can integrate knowledge of the physical, biological, economic, and social sciences to achieve multiple use objectives. Section 219.5(a)(3) of the regulations

specifically requires that the team, "implementing the planning coordinate activities within the Forest Service and with local, state, and other federal agencies." Thus, the Park Service must be consulted when planning is being undertaken for Forest Service lands contiguous to units of the National Park System. Moreover, Section 219.6 provides extensive requirements for full public participation in the development of Forest Service land management plans.

Section 219.7 of the Forest Service regulations imposes specific requirements for participation by other federal, state, and local units of government in national forest planning by requiring Forest Service planners to:

(1) Give notice of the preparation of a land management plan to other federal agencies as specified in OMB Circular A-95 (36 CFR § 219.7(b)).

(2) Review the planning and land use policies of other federal agencies (i.e. National Park Service), and display the results of this review in the environmental impact statement accompanying the Forest Service land management plan (36 CFR § 219.7(c)).

(3) Meet with representatives of other federal agencies, local governments, and Indian tribal governments at the beginning of the planning process to consider their concerns and develop procedures for coordination (36 CFR § 219.7(d)).

(4) Seek input from other federal, state, and local governments to help resolve management concerns and identify areas where additional research is needed (36 CFR § 219.7(e)).

(5) Monitor the effects of national forest management on lands, resources, and communities adjacent to or near the national forest for which the plan is being developed (36 CFR § 219.7(f)).

Given this exhaustive list of requirements for coordination with other federal agencies, including the National Park Service, it is difficult to fathom how the Forest Service could do any more, unless the intent of Amendment 2807 is to provide the Park Service with absolute veto authority over the development of forest land management plans.

In addition to the above interagency coordination requirements, Section 219.19 of the Forest Service regulations requires the agency to give special consideration to fish and wildlife resources in the development of Forest Service land management plans. Section 219.19 specifically requires the Forest Service to provide sufficient habitat to maintain viable populations of existing native and desired non-native fish and wildlife species. Section 219.19(a)(3) also requires the Forest Service to consult with biologists from state fish and wildlife agencies and other federal agencies, "in order to coordinate planning for fish and wildlife."

After a detailed review of the Forest Service land management planning process, we believe there are exhaustive provisions for the protection of fish and wildlife resources, as well as coordination with other agencies that manage lands immediately adjacent to national forests. In our view, there is no evidence of a need for a separate statutory prohibition of the use of funds for activities already justified through the land management planning process.

A careful look at a number of the specific provisions of Amendment 2807 convinces us that the proposal is not only unnecessary but may also be counterproductive to orderly resource management and existing environmental protection programs. For example, Section 603(a) specifies that the term "federal financial assistance" includes the "issuance of a federal permit or lease." In other words, under the provisions of Section 604(a), the Park Service could veto the issuance of Clean Air Act or Clean Water Act permits by the Environmental Protection Agency. Since EPA must also certify state-issued permits under these statutes, we assume that the restrictions of Section 604(a) also apply to state and air and water permits.

NFPA believes that this requirement will substantially disrupt the current administration of the Clean Air Act Prevention of Significant Deterioration (PSD) and Visibility Protection programs by shifting the ultimate responsibility for permit decisions from EPA and state air quality agencies to

National Park Service land managers. Park Service land managers are not equipped to conduct -- nor should they be permitted to unilaterally override -- the detailed economic analyses associated with the issuance of a Clean Air Act PSD permit. This amendment has far-reaching implications for the current federal-state roles in administering the Clean Air Act.

Similarly, Section 603(a) of this proposal would significantly shift the responsibility for administering Clean Water Act National Pollutant Discharge Elimination System (NPDES) permits for facilities which discharge wastes into waters that drain through National Park System units or adjacent wildlife resource habitat areas. National Park Service managers would have virtual veto authority over NPDES permits issued by EPA and/or state water quality agencies.

On affected stream segments, the development of water quality standards and an antidegradation policy by the states would be meaningless in the face of the Secretary's (or his designees) ability to act unilaterally to do whatever they think is necessary to protect Park Service resources. Given the complexity of the Clean Water Act's water quality standards and antidegradation program, we believe that the Committee should consider carefully whether the prohibitions in the proposal should be extended to the issuance of Clean Water Act permits.

Also troublesome, Section 604(a) suggests that the Secretary of the Interior will unilaterally designate the size and boundaries of "wildife resource habitat areas." While public participation requirements are included for other elements of the decision-making process outlined in this bill, no such participation is provided during the designation of the protected areas. Thus, we are forced to conclude that the Secretary will decide the location and size of wildlife resource habitat areas without opportunity for review.

Section 605 indicates that the Secretary, acting through both the Director of the U.S. Fish and Wildlife Service and the Director of the National Park Service, will assess whether federal activities qualify for exemptions from the prohibition of expenditures of federal funds. Inasmuch as the conditions of the bill apply only to units of the National Park System, it is unclear why both agencies' directors must agree to a particular federal activity exemption.

Section 606(a) of the proposal appears to impose interagency review requirements for areas even larger than those designated as critical wildlife resource habitat areas. This section requires consultation for any area unilaterally designated by the Secretary, "within a federally managed area which is reasonably likely to have a detrimental effect on the population of native fish and wildlife species primarily found within a unit of the National Park System." It is not clear how much latitude the

Secretary will have in requiring consultation in areas that have not been designated as wildlife resource habitat areas under the provisions of Section 604 of the proposal.

In conclusion, in light of: (1) other existing statutory mechanisms; (2) the degree of interagency consultation and review already required by NEPA and the Forest Service land management planning process; and (3) the complications that several provisions of Amendment 2807 will create, we urge the Committee to reject this provision pending a more careful review of instances where Park Service units are clearly threatened by federal activities in adjacent areas. It is our view that, insofar as forest management activities conducted on Forest Service lands are concerned, the NFMA planning process provides appropriate protection of both the interests of adjacent landowners, as well as vital native fish and wildlife resources.

We appreciate the opportunity to offer our views on this proposal. NFPA stands ready to assist the Committee further in any deliberations on this important matter.

ORICK CHAMBER of COMMERCE
Post Office Box 366
Orick, California 95555

June 25, 1984

Honorable John Chafee, Chairman
Environmental Pollution Subcommittee
U.S. Senate
Washington, D.C. 20510

Dear Senator Chafee:

This letter is to be regarded as testimony to the record of S.978 (Wildlife & Parks Act) and H.R. 2379 (Park Protection Act).

The Orick Chamber of Commerce is in strong opposition of the "Park Buffer Zone Bills".

These bills are imprecise. Millions of acres of federal, state and private lands could fall within the WRHA's created by S.978. It would expand the powers of the Park Superintendents, which we oppose. This bill could further strangle private landowners and reduce value of their land. Federal funding for private use could be affected also.

These bills are outrageous, and should not even be considered. We urge you to consider what the impact of such a "Buffer Zone" could mean.

Sincerely,
ORICK CHAMBER of COMMERCE

Kathy Marks

Kathy Marks
President

rr

June 28, 1984
6569 Latta Lane
Peninsula, O. 44264

Honorable John Chafee, Chairman
Environmental Pollution Subcommittee
U. S. Senate
Washington, D.C. 20510

Dear Mr. Chafee,

We would like to let your committee know that we strongly oppose S. 978 (Wildlife & the Parks Act) and H.R. 2379 (Park Protection Act - "Buffer Zone Bill"). This is Testimony for the Record.

We live on Latta Lane in Peninsula, Ohio. We strongly urge the S-978 and H.R. 2379 Not be passed.

Yours truly,
Richard Ostrica
Shirley Ostrica

249 - 20th Avenue SW
New Brighton, MN 55112
June 27, 1984

Honorable John Chafee, Chairman
Environmental Pollution Subcommittee
U.S. Senate
Washington, D.C. 20510

Re: Opposition to S.978 and H.R. 2379

Dear Mr. Chairman:

The purpose of this letter is to provide written testimony for the Senate hearing record in opposition to S.978 (Wildlife and the Parks Act) and H.R. 2379 (Park Protection Act) insofar as they relate to creation of a "Park Buffer Zone" adjacent to, or as extension of, National Parks, Scenic Riverways, National Recreation Areas, National Seashores, or other areas managed by the National Park Service or Forest Service.

We own a cabin on a small parcel of property within the boundary of the St. Croix-Namekagon National Scenic Riverway in Minnesota. This property has been in our family for almost seventy years.

When it was first proposed that the St. Croix and Namekagon Rivers be included in the Wild and Scenic River Act (PL 90-542) in 1968, congressional testimony by the Interior Department and by Senator Mondale (D.MN) and Senator Gaylord Nelson (D.Wisc.) stated that only about 1,000 acres would be needed in fee to provide for public access to the St. Croix River. Today, sixteen years later, the National Park Service owns, in fee, over 16,000 acres. State and local governments own, in fee, over 26,000 additional acres. Altogether public ownership comprises almost 70% of the land within the boundary of the Scenic Riverway. In addition, local ordinances and NPS easements control another 12,000 acres within the boundary. Thus, the 1,000 acres needed in fee for public access to the St. Croix River has grown to 42,000 acres.

We are opposed to S.978 because whether congress intended or not the National Park Service (NPS) would use the Wildlife Resource Habitat Area designation to effectively extend the boundary of the St. Croix-Namekagon Scenic Riverway. The NPS' appetite for land is like a cancer--spreading from 1,000 acres to 16,000 acres, then to 42,000 acres, then to 54,000 acres, and soon to all 64,000 acres. They cannot manage what land they presently own. The spring floods are a welcomed event to clean the islands of camper deposited litter.

We also believe that S.978 must not be enacted because it would expand the power of the superintendent outside of the Scenic Riverway, thus opening up the opportunities for abuse of the expanded powers. Local governmental units could be coerced into down zoning or restricting use of adjacent property unnecessarily in order to receive federal funds for other projects. This could invite a steady stream of litigation challenging all federal actions in and around the Scenic Riverways.

These bills offer little in the form of additional protection for our Scenic Riverway. A Land Protection Plan has been developed and approved for the Lower St. Croix. A Land Protection Plan for the St. Croix-Namekagon National Scenic Riverway is in the public comment stages. Many counties and municipalities have special zoning districts which already control the lands adjacent to the Scenic Riverway.

We believe very strongly that the "Park Buffer Zone" bills should not be enacted.

Thank you for the opportunity to present our views for the record.

Sincerely,

Michael J. Pisansky

Barbara J. Pisansky

cc: Senator Rudy Boschwitz
Senator David Durenberger
Senator James McClure
Senator Malcom Wallop

Merced, Calif.
June 25, 1984

Honorable John Chafee, Chairman
Environmental Pollution Subcommittee
U.S. Senate
Washington, D.C. 20510

Dear Senator Chafee:

As testimony for the record, please take not of bills S.987 and H.R. 2379, which we strongly oppose.

These bills could tie up federal funds for private uses at the request of park superintendent on private land in and outside the park. Also the imprecise nature of these bills could invite constant litigation, which would result in higher costs, delays, lost jobs, resources, etc. It could further strangle private landowners and reduce the value of their land.

These bills provide little in the form of protection for the park system as well.

Again, we strongly oppose bill S.978 (Wildlife & the Parks Act) and H.R. 2379 (Park Protection Act) as they are a threat!

Sincerely,

Jack J. Rollins &
Patricia A. Rollins

Safari Club International

DONALD E. SANTARELLI
LEGAL COUNSEL
2033 M. STREET N.W.
SUITE 700
WASHINGTON, D.C. 20036
202 466-6800

June 5, 1984

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The Honorable John H. Chafee
Chairman
Subcommittee on Environmental Pollution
410 Senate Dirksen Office Building
Washington, D. C. 20510

Dear Senator Chafee:

I am writing to you on behalf of our client, the Safari Club International (SCI). As you know, SCI is an organization of sportsmen and women dedicated to the conservation of wildlife, the preservation of sport hunting as a wildlife management tool, and the protection of sport hunters' rights. With more than 75 chapters, SCI has an active membership core of 15,000 sportsmen, and with the affiliation of 28 state, regional, national and foreign sportsmen organizations, SCI represents a network of more than 900,000 hunter/conservationists.

This letter is in reference to your Wildlife and Parks Amendment No. 2807 which you intend to propose to S.978 (which extends the authorization of appropriations to the migratory bird conservation fund). This amendment is of particular concern to the Safari Club International.

Once again you are to be commended for taking the lead to protect and conserve fish and wildlife species. However, your Wildlife and Parks Amendment appears to be fraught with some disturbing ambiguities and operational dilemmas which are of great concern to the sportsman/conservatioinst community.

While the focus of Amendment No. 2807 deals with the impacts and spillover effects of various economic activities on lands contiguous to national park urits, it is important that the amendment also be viewed from the perspective of its potential impact upon wildlife management in general, and sport hunting in particular.

As you are fully aware, with the exception of national park preserves and recreation area units, national parks generally do not permit sport hunting as an allowed use.

37-460 O - 84 - 12

SCI wholeheartedly supports this policy and is inexorably opposed to hunting in National Parks. At the same time, however, SCI is concerned that as a result of the rather broad directives embodied in the amendment, Federal policies prohibiting sport hunting could potentially be imposed at a later date upon large expanses of lands where regulated sport hunting has traditionally occurred and which are contiguous to national park units. Under your amendment, such scenarios could potentially evolve wherever the National Park Service determines that a national park unit's resident wildlife resources -- be it game or nongame species -- are being adversely affected or threatened by factors emanating from lands which are outside -- but contiguous to -- the national park unit.

It is widely recognized that sport hunting is an invaluable wildlife management tool, as noted for instance in both the Senate and House Committee Reports to the 1982 reauthorization of the Endangered Species Act which, as you recall, was supported enthusiastically by the Safari Club International. Moreover, it is a well-known fact that regulated sport hunting does not account for a biologically significant offtake of wildlife -- it serves as an effective stimulus to proper wildlife conservation.

If depredation of native wildlife resources within national park units is perceived to be occurring, legitimate sport hunting on lands ecologically contiguous to national park units simply cannot be cited as a cause. Any adverse pressures upon native wildlife resources found within national park units are more likely attributable to habitat loss arising from certain economic activities (as delineated in section 602 of your amendment) and to poaching and illegal market-hunting. SCI is fearful that if your amendment is enacted into law in its present form, Federal officials who may not necessarily be philosophically supportive of regulated sport hunting may opt at a later date to recommend and impose a non-hunting status on lands contiguous to national park units.

While apparently a serious and honest effort has been made to improve upon and "fine-tune" what is generally meant by lands adjacent to national park units, the term "contiguous ecologically related Federally managed area" still presents no clear definable boundaries with respect to limits. Legislation passed last year by the House of Representatives (H.R. 2379) is plagued with a gaping ambiguity with respect to the term "adjacent lands." Although the Safari Club International harbors no such desires, it would appear that this term would be ripe for a seemingly unending series of

litigative actions. This would only serve to compound the issue and delay any actions which might otherwise be undertaken to protect and conserve native wildlife populations residing in national park units.

As you know, regulated sport hunting opportunities occur in the vicinity of some national park units. The term "contiguous ecologically related Federally managed area" potentially could be exploited by anti-hunting/anti-wildlife management groups who would be eager to use the courts to impose Federal nonhunting policies in such contiguous areas in an effort to control whole ranges of wildlife migration or residency. As you are well aware, patterns of migration and ranges of residency for some wildlife species can extend literally for hundreds of miles. Any potential imposition of Federal authority banning traditional sport hunting opportunities on contiguous lands would be directly contrary to the underlying premise of your amendment -- that being the protection and conservation of the native wildlife species found within national park units. The potential for no-hunting declarations on contiguous areas would serve to undermine this nation's exemplary record in wildlife management and conservation. Moreover, it would threaten the traditional and historic recreational heritage of the American sportsman and would be done indirectly and without much opportunity for effective input from affected interests.

Lastly, your amendment would seemingly apply to a whole host of land classifications including privately-owned lands, National Forest Service lands, and even wildlife refuges. While the Safari Club International highly respects the National Park Service and applauds its proven track record in preserving and balancing our nation's natural and cultural resources, the National Forest Service has more experience and more professional expertise in wildlife management than the National Park Service. Determinations by National Park Service officials could potentially lead to the cutoff of Federal dollars for wildlife management and restoration projects on contiguous lands. Most importantly, this helps to illustrate that imbuing the National Park Service with such broad authority beyond the boundaries of units under its jurisdiction endangers the traditional role of the States in wildlife management.

Rather than unintentionally creating the potential to impose Federal policies prohibiting sport hunting on

those contiguous lands where such has traditionally occurred, I respectfully request that you consider the adoption of a provision designed to state specifically and expressly that sport hunting opportunities in particular, and other valuable and essential wildlife management practices, on contiguous lands where such presently occur shall not be diminished or restricted by any new National Park Service authority for contiguous lands contained in your amendment. A similar provision introduced by Representative Austin Murphy of Pennsylvania was adopted by a voice vote of the House of Representatives during its consideration of the "National Park System Protection and Resources Management Act" (H.R. 2379). The adoption of similar language would likely go a long way towards alleviating some of the perception problems and major concerns of the sportsman/conservationist community in this country with respect to your amendment.

In the event that you hold hearings on your amendment, the Safari Club International would sincerely appreciate the inclusion of this communication into the official hearing record.

In any event, I hope you will consider the important points raised in this correspondence and accept it in the cooperative and helpful spirit in which it is intended. As an organization dedicated to wildlife conservation, the Safari Club International truly appreciates and applauds your tireless efforts in the cause to conserve our wildlife resources -- a goal which all true sportsmen/conservationists share with you.

With all best wishes and personal regards to a fellow Rhode Islander, I am,

Sincerely,

Ben Bolusky

Benjamin C. Bolusky
Federal Liaison

BCB:sjs

204 Ruder Avenue
Patchogue, N.Y. 11772
June 27, 1987

Honorable John Chafee, Chairman
Environmental Pollution Subcommittee
U S Senate
Washington, D.C. 20510

Re: S 978 Wildlife and Parks Act
HR 2319 Parks Protection Act - Buffer Zone Bill

Dear Senator

Please consider this testimony for the record on the above bills.

We oppose the above bills and urge your Committee to do the same. Our reasons follow:

1. A new category of federal lands "Wildlife Resource Habitat Areas is not needed. The bill is imprecise and can cause overlapping of a variety of other types of Park Service management areas.
2. Every area has its own unique needs and should be managed according to the area's original "intent of Congress" creating such area.
3. Park superintendents should not be given authority to control land uses outside of established parks

4 Passing this legislation is setting the stage for many lawsuits. Taxpayers should not have to bear the brunt of constant challenging litigation.

5. Last but not least, these laws can be used to blackmail people who own property within and near to parks. They can constitute "takings of land", devaluation of land, and in essence help the government acquire land which is now exempt from government ownership. Private citizens do not need harassment or pressure when they are protected by current laws.

In conclusion, we urge your committee to seriously consider our views and oppose S 978 and HR 2379 in its senate form.

Sincerely yours

Mr and Mrs Armand Siegel

TO GO ON RECORD

June 23, 1984

Honorable John Chafee
U. S. Senate
Washington, D. C.

The bill S.978 is imprecise. It would allow the Park Superintendent too much power over Federal lands to create W.R.H.A.'s; Wildlife would not be limited to just endangered species; We would have no protection for our park system; It would tie up Federal funds for multiple use. We would have higher costs, lose our resources and also our jobs.

I urge you to please review the Bill S. 978.

Thank you.

Sincerely yours,

Mavis Swensen

Mrs. Mavis Swensen
P.O.Box 2607
Missoula, Montana 59806

Mrs. Alynn Van Pelt
P.O. Box #2
Cochecton Center, NY
12727

June 26, 1984

Honorable John Chafee, Chairman
Environmental Pollution Subcommittee
U.S. Senate
Washington, DC 20510

Dear Sir:

It is my hope that this letter has reached you in ample time. I am writing you to inform you that I strongly oppose S.978 (Wildlife & the Parks Act) and H.R. 2379 (Park Protection Act - "Buffer Zone Bill"). I am a citizen, voter, and resident of Sullivan County. I have been obtaining various literature on the proposals of including the Delaware River as a National Scenic and Recreational Park. I strongly object to the plan for the river both the old and the revised versions.

It is time that you and others involved with this type of legislation give more time and thought to the people in this area, the costs of running such a park, and other consquences already being experienced in other park areas operated by the National Park Service.

Sincerely,

Alynn Van Pelt

Alynn Van Pelt
Concerned Citizen

AVP:avp

This letter is testimony for the record.

TELEPHONE
(415) 956-0410

WESTERN TIMBER ASSOCIATION

211 SUTTER STREET, SAN FRANCISCO, CALIFORNIA 94108

June 22, 1984
File No. 2.721

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
JUN 25 1984
WASHINGTON, D.C. 20510

The Honorable John H. Chafee, Chairman
Subcommittee on Environmental Pollution
567 Senate Dirksen Office Building
Washington, D.C. 20510

Dear Senator Chafee:

We are writing to register our opposition to S. 978, the wetlands protection bill that is being amended to serve as a vehicle for a law establishing National Park Buffer Zones. Please include this letter as part of the June 27th hearing. Western Timber Association represents the majority of timber companies in California.

Establishment of National Park buffer Zones will adversely restrict management of adjacent public and private lands. These lands outside the park are managed for all multiple uses and should not be restricted. The Forest Service and BLM already account for the presence of National Parks by modifying their timber cutting practices immediately adjacent to the Parks. Formal legislative restriction is unnecessary and will prove costly.

Sincerely,

Scott Horngren

Scott Horngren
Timber Supply Specialist

SH:dm

cc: Ann McLaughlin
Carol Hallett
The Honorable Pete Wilson
The Honorable Alan Cranston
The Honorable James McClure
The Honorable Malcolm Wallop
Full Environment & Public Works Committee
National Inholders Association

Wildlife Management Institute

Dedicated to Wildlife Since 1911
Suite 725, 1101 14th Street, N.W.
Washington, D.C. 20005
202/371-1808

Testimony of Daniel A. Poole
before the
Subcommittee on Environmental Pollution
of the
Committee on Environment and Public Works
on
Amendment No. 2807 to S. 978
June 7, 1984

Mr. Chairman:

I am Daniel A. Poole, president of the Wildlife Management Institute. The Institute's program, initiated in 1911, is devoted solely to the restoration and improved management of wildlife and related renewable resources.

The Institute is dedicated to enhancing wildlife in national parks as well as other public lands. We do not believe, however, that the proposed "Wildlife and the Parks Act of 1984" is an advisable way to improve current conditions. The objective of this legislation is laudable, but the mechanism would create more problems than it would solve.

Amendment No. 2807 would permit the Interior Secretary and National Park Service to exert considerable and unwarranted control over wildlife and wildlife habitat management on federal public lands adjacent to certain units of the National Park System. Although it may not be intended, the definition of "contiguous ecologically related Federally managed area" does not limit the term's meaning to "public" land. It appears that private land also may be included.

We strongly oppose granting authority to the National Park Service for wildlife and habitat management on adjacent public land. Of the major federal land managing agencies--U.S. Forest Service, Bureau of Land Management and U.S. Fish And Wildlife Service--each has far more wildlife habitat expertise and biological

staff than does the National Park Service. And each of those agencies does a better job of managing wildlife resources under its organic charter than does the National Park Service. In recent decades, for example, the National Park Service has killed more grizzly bears by mismanaging people than the Forest Service has by mismanaging timber sales or livestock grazing. In fact, the so-called "problem" bears of the Yellowstone Ecosystem are either shot by the National Park Service or transported to adjacent national forest areas. Vandalization of national parks by the National Park Service is a matter of considerable concern.

Another problem with Amendment No. 2807 is that it would give the National Park Service management prerogatives that legally, traditionally and rightly belong to the state wildlife agencies. The control of hunting seasons and limits for resident wildlife and fish on national forests, BLM lands and wildlife refuges is under state authority and the states have more people and funds to direct that activity properly. Amendment No. 2807 would permit the National Park Service to control hunting and other wildlife uses on these lands to a large degree by prohibiting expenditure of federal funds to support the activity. And this control apparently would extend to private lands.

National Wildlife Refuge programs could be severely restricted by this legislation. Wildlife enhancement activities in refuges contiguous to parks could be prohibited if the Secretary determines they are detrimental to park wildlife. This would make refuge management subservient to park resources despite the effects on refuge resources and the primary mission of individual refuges.

Habitat improvements under the Federal Aid in Wildlife and Sport Fisheries Restoration Programs could be affected adversely under the amendment. Assume, for instance, that a state wanted to use P-R funds to control coyotes on BLM land adjacent to a park in order to establish a new herd of pronghorn. The National Park Service could prohibit the coyote control and block the pronghorn restoration. There are innumerable similar examples that could be cited involving non-park wildlife populations that currently are in a declining state.

Our basic objection to Amendment No. 2807 is derived from the ecological fact that alteration of habitat or management policy on any land is going to hurt some species of wildlife and help others. Park roads, buildings, campgrounds, trails and policies are not exceptions. It is a fact that National Park Service activities affect national forest and BLM wildlife just as the reverse is true. An example is the exotic Russian boar that competes with native wildlife for food in the Great Smoky Mountain National Park and the adjacent Cherokee and Nantahala National Forests. The only practical way that the number of pigs can be controlled is by firearms. This is done on the national forests, but National Park Service policy prohibits firearms in the park. Therefore, the park causes a constant reinfestation of wild pigs into the contiguous forests.

All the public land management agencies have [illegible]ing authority and responsibility to conserve wildlife habitat. Their basic laws require that this be done. They also are directed to coordinate their activities with adjoining landowners. But none of them are doing as good a job as they should, the National Park Service included. Thus, we see no reason to choose the National Park Service as the habitat czar for all federal land agencies. All agencies simply must coordinate better and give wildlife the consideration called for in existing law.

While we oppose the nature of Amendment No. 2807, we do believe that the approach used is a valuable conservation tool when judiciously applied, as in the Coastal Barrier Resources Act. There is no question that federal expenditures on public and private land are among the most serious destroyers of wildlife habitat today. However, with the exception of BLM's excessive livestock grazing and overcutting of timber on Oregon and California grant lands, the activities of public land agencies are not very significant in this regard.

Wildlife habitat is affected adversely much more by activities connected with agriculture programs, Corps of Engineers projects, Bureau of Reclamation developments and Soil Conservation Service channelization initiatives. Reclamation's Garrison Diversion Project in North Dakota alone would damage 12 national wildlife

refuges, drain about 70,000 net acres of prime wetlands, channelize 142 miles of natural streams, plow under 40,000 acres of native prairie, destroy 4,000 acres of woodland habitat, which is scarce in the area, and eliminate 178,000 ducks each year from the fall migration, forever. And all this is costing the American taxpayer $1.2 billion -- $3,800 for every acre to be irrigated by the project, $700,000 for every farm benefited, and $2,000 for every man, woman and child in North Dakota.

We think the committee could perform a great service by authorizing a study of the effects of federal programs on the fish and wildlife resources of all public land. This could be an extension or companion of the requirement in S. 1329, the Emergency Wetlands Resources Act, which directs a study of federal program effects on wetland loss.

In summary, Mr. Chairman, we believe that Amendment No. 2807 to S. 978 is an unworthy approach to a worthy objective.

AMENDMENT No. 2807

TITLE VI—WILDLIFE AND THE PARKS

SECTION 601. SHORT TITLE

This Title may be cited as the "Wildlife and the Parks Act of 1984".

SECTION 602. FINDINGS AND PURPOSE

(a) FINDINGS.—Congress finds:

(1) Native fish and wildlife that are primarily found within the various units of the National Park System are being threatened or degraded as a result of certain incompatible activities including—

(A) air pollution;

(B) water pollution;

(C) economic and residential development and related infrastructure development such as road construction and water resource projects.

(2) Many of these incompatible activities are supported and encouraged with Federal funding or other forms of federal financial assistance.

(3) A significant number of threats and detrimental effects to populations of native fish and wildlife species that are primarily found within the various units of the National Park System arise from the activities of other Federal agencies.

(4) The National Environmental Policy Act does not provide for consistency with respect to the detrimental effects of Federal agency actions upon populations of native fish and wildlife species that are primarily found within these areas, nor for appropriate public notice when one Federal agency's proposed actions are in conflict with another Federal agency's responsibilities.

(5) It is inconsistent, inappropriate and fiscally irresponsible for the Federal government to finance the degradation or destruction of the habitat upon which populations of native fish and wildlife species primarily found in the various units of the National Park System are dependent through Federal actions or programs and at the same time, direct and advocate the conservation and protection of population of native fish and wildlife species and that a reconciliation of competing Federal programs is both necessary and appropriate.

(b) PURPOSE.—It is therefore declared to be the purpose of this Act to protect and conserve the population of native fish and wildlife species primarily found within the various units of the National Park System by restricting new Federal expenditures and financial assistance that degrade, threaten or destroy the habitat within the units of the National Park System and within contiguous ecologically related Federally managed areas upon which such population of native fish and wildlife species are dependent for their well being and survival; and to recognize the importance of the various units of the National Park System in conserving and protecting the population of native fish and wildlife species and to further the purposes of the National Environmental Policy Act by improving the Federal interagency action and public involvement provisions of that Act with regard to these areas.

SECTION 603. DEFINITIONS

As used in this Act—

(a) The term "financial assistance" and "expenditure" refer to any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance or expenditure including the issuance of a permit or lease but not including:

(1) assistance for environmental studies, planning, and assessments that are required incident to the issuance of permits or other authorizations under Federal law;

(2) deposit or account insurance to customers of banks, savings and loan associations, credit unions, or similar institutions;

(3) the purchase of mortgages or loans by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation; and

(4) assistance pursuant to programs entirely unrelated to development or habitat alteration such as any Federal or Federally assisted public assistance program or any Federal old-age survivors or disability insurance program.

(b) The term "Secretary" means the Secretary of the Interior.

(c) The term "System unit" means a unit of the National Park System as defined in the National Park Service Organic Act of 1916, as amended (16 U.S.C. 1 et. seq.), and which has an acreage greater than 5,000 acres.

(d) The term population of "native fish and wildlife species primarily found within such systems units" means those native fish and wildlife populations that are

known to utilize or require habitats that are predominately within the boundaries of a unit of the National Park System.

(e) The term "contiguous ecologically related Federally managed area" is an area contiguous to a National Park System unit and designated by the Secretary as necessary to restore or maintain optimum population levels of fish and wildlife species that are primarily found within a National Park System unit.

SECTION 604. LIMITATION ON FEDERAL EXPENDITURES

(a) Effective on the date of enactment, except as provided in this section and section 605 of this Act, no new expenditure or new financial assistance may be made available under authority of any Federal law for any purpose within the Congressionally established or authorized boundaries of a unit of the National Park System or within the boundaries of any contiguous ecologically related Federally managed area, as shall be designated by the Secretary of the Interior (hereinafter referred to in the aggregate as "wildlife resource habitat areas") unless:

(1) the Secretary has determined that the new expenditure or financial assistance will not have a detrimental effect on the population of native fish and wildlife species primarily found within such system units; and

(2) such new expenditure or new financial assistance is consistent with otherwise applicable authorities and subject to the limitations and requirements of such authorities.

The Secretary shall make such determination under paragraph (1) of this subsection promptly after public notice and an opportunity for public comment. In establishing just compensation in the event of governmental acquisition of property located within wildlife resource habitat areas or in the event of the donation of a conservation interest to any qualified recipient, any adverse impact on the fair market value of such property resulting from this Act shall not be considered.

(b) In accordance with subsection (a) of this section, the Secretary shall as soon as practicable after the enactment of this Act designate and periodically update and revise, as appropriate, wildlife habitat resource areas within the Congressionally established or authorized boundaries of any contiguous ecologically related Federal managed area.

(c) An expenditure or financial assistance made available under authority of Federal law shall, for the purpose of this Act, be a new expenditure or new financial assistance if:

(1) In any case with respect to which specific appropriations are required, no money for construction or purchase purposes was appropriated before the date of the enactment of this Act; or

(2) In any case with respect to which specific appropriations are not required, no legally binding commitment for the expenditure or financial assistance was made before such date of enactment.

SECTION 605. EXCEPTIONS

Notwithstanding the limitations on new financial assistance and new expenditures within wildlife resource habitat areas as provided by section 604 of this Act, an appropriate Federal official may, following written consultation with the Secretary (acting through the directors of the Fish and Wildlife Service and the National Park Service) concerning detrimental effects on population of native fish and wildlife species primarily found within a unit of the National Park System and careful consideration thereof, consistent with otherwise applicable authorities and subject to the limitations and requirements of such authorities, make Federal expenditures or provide financial assistance for the following specific purposes:

(1) military activities serving the national defense;

(2) projects under the Land and Water Conservation Fund otherwise consistent with the purposes of this Act;

(3) other acquisition for the consevation of fish and wildlife resources;

(4) expenditures under the Endangered Species Act;

(5) programs which are consistent with the maintenance and restoration of these fish and wildlife populations that are primarily located within a National Park System unit.

(6) scientific research concerning the conservation of fish and wildlife resources;

(7) emergency actions necessary to save human life; or

(8) maintenance or infrastructure or existing facilities within designated wildlife resource habitat areas.

SECTION 606. INTERAGENCY REVIEW

(a) To facilitate the Secretary's determination responsibilities under section 604(a) of this Act and the Secretary's consultation responsibilities under section 605 of this Act, any Federal agency that proposes to undertake a new Federal expenditure or new financial assistance within a wildlife resource habitat area as may be designated by the Secretary or within a federally managed area which is reasonably likely to have a detrimental effect on the population of native fish and wildlife species primarily found within a unit of the National Park System shall notify the Secretary at the earliest practicable time prior to such action.

(b) Each such Federal agency shall provide the Secretary with the description and basis for the proposed Federal expenditure or financial assistance and, thereafter, an assessment of its possible environmental impacts in accordance with the provisions of the National Environmental Policy Act. Each Federal agency must provide the Secretary a reasonable opportunity to make findings with regard to such information and to reach a determination or to provide comments, as may be appropriate, as to whether such new expenditures or new financial assistance will have a detrimental effect on population of native fish and wildlife species which are primarily found within a system unit.

SECTION 607. REPORT TO CONGRESS

(a) The Secretary is directed to prepare and submit to Congress, not later than 12 months after the date of enactment of this Act, a report which shall:

(1) Advise the Congress as to the boundaries of those contiguous ecologically related Federal managed areas that have been designated by the Secretary as additional wildlife resource habitat areas pursuant to section 604 of this Act.

(2) Study, identify and depict on maps those environmentally sensitive, native fish and wildlife habitat areas, generally contiguous, adjacent, or ecologically related to National Park System units, that are not within the boundaries of any Federally managed area but provide habitat that is necessary to restore or maintain optimum populations of native fish and wildlife populations that are primarily found within units of the National Park System.

(3) Identify and recommend such additional Federal incentives for development that should be removed and Federal incentives for protection that should be authorized to further protect the wildlife resource habitat areas that are the subject to this Act.

(4) Evaluate the application of the provisions of this Act to units of the National Wildlife Refuge System, not otherwise included as a wildlife resource habitat area by the Secretary pursuant to section 4 of this Act, and to provide specific recommendations as to whether such refuge units should be subject to the provisions of this Act.

(b) The Secretary shall prepare a biannual report to Congress which shall include:

(1) An indentification and analysis of detrimental effects to populations of native fish and wildlife species eminating from inside and outside the various units of the National Park System;

(2) Planned actions to deal with such detrimental effects;

(3) A review of National Park System units to determine if there are adequate safeguards to protect the populations of native fish and wildlife species primarily found within such system units.

SECTION 608. AUTHORIZATION

There are authorized to be appropriated such sums as may be necessary to supplement the identification, enforcement and study provisions of this Act. Funds otherwise appropriated for the operation and management of the National Park Service may also be utilized for this purpose.

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